

**§ 5723. Funding****(a) In general**

To carry out this subchapter, the Secretary shall use funds of the Commodity Credit Corporation, or commodities of the Commodity Credit Corporation of a comparable value, in the amount of \$34,500,000 for each of fiscal years 2008 through 2012.

**(b) Program priorities**

In providing any amount of funds or commodities made available under subsection (a) of this section for any fiscal year that is in excess of the amount made available under this section for fiscal year 2001, the Secretary shall, to the maximum extent practicable—

(1) give equal consideration to—

(A) proposals submitted by organizations that were participating organizations in prior fiscal years; and

(B) proposals submitted by eligible trade organizations that have not previously participated in the program established under this subchapter; and

(2) give equal consideration to—

(A) proposals submitted for activities in emerging markets; and

(B) proposals submitted for activities in markets other than emerging markets.

(Pub. L. 95–501, title VII, § 703, as added Pub. L. 104–127, title II, § 252, Apr. 4, 1996, 110 Stat. 972; amended Pub. L. 107–171, title III, § 3105(b), May 13, 2002, 116 Stat. 291; Pub. L. 110–246, title III, § 3104(b), June 18, 2008, 122 Stat. 1833.)

**AMENDMENTS**

2008—Subsec. (a). Pub. L. 110–246 substituted “2008 through 2012” for “2002 through 2007”.

2002—Pub. L. 107–171 amended section catchline and text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of fiscal years 1996 through 2002.”

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

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**SUBCHAPTER I—SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION****§ 5801. Purpose and definitions****(a) Purpose**

It is the purpose of this subchapter to encourage research designed to increase our knowledge concerning agricultural production systems that—

- (1) maintain and enhance the quality and productivity of the soil;
- (2) conserve soil, water, energy, natural resources, and fish and wildlife habitat;
- (3) maintain and enhance the quality of surface and ground water;
- (4) protect the health and safety of persons involved in the food and farm system;
- (5) promote the well being of animals; and
- (6) increase employment opportunities in agriculture.

#### (b) Definitions

For purposes of this subchapter:

- (1) The term “sustainable agriculture” shall have the same meaning given to that term by section 3103 of this title.
- (2) The term “integrated crop management” means an agricultural management system that integrates all controllable agricultural production factors for long-term sustained productivity, profitability, and ecological soundness.
- (3) The term “integrated resource management” means livestock management which utilizes an interdisciplinary systems approach which integrates all controllable agricultural production practices to provide long-term sustained productivity and profitable production of safe and wholesome food in an environmentally sound manner.
- (4) The term “agribusiness” includes a producer or organization engaged in an agricultural enterprise with a profit motive.
- (5) The term “extension” shall have the same meaning given to that term by section 3103 of this title.
- (6) The term “Secretary” means the Secretary of Agriculture.
- (7) The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or federally recognized Indian tribes.
- (8) The term “State agricultural experiment stations” shall have the same meaning given to that term by section 3103 of this title.
- (9) The term “nonprofit organization” means an organization, group, institute, or institution that—

- (A) has a demonstrated capacity to conduct agricultural research or education programs;

- (B) has experience in research, demonstration, education, or extension in sustainable agricultural practices and systems; and

- (C) qualifies as a nonprofit organization under section 501(c) of title 26.

(Pub. L. 101-624, title XVI, §1619, Nov. 28, 1990, 104 Stat. 3733; Pub. L. 102-237, title IV, §407(2), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104-127, title VIII, §860(c)(1), Apr. 4, 1996, 110 Stat. 1173; Pub. L. 110-234, title VII, §7101(b)(5), May 22, 2008, 122 Stat. 1213; Pub. L. 110-246, §4(a), title VII, §7101(b)(5), June 18, 2008, 122 Stat. 1664, 1975.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original “this subtitle”, meaning subtitle B

(§§1619-1629) of title XVI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-246, §7101(b)(5)(A), substituted “section 3103” for “section 3103(17)”.

Subsec. (b)(5). Pub. L. 110-246, §7101(b)(5)(B), substituted “section 3103” for “section 3103(7)”.

Subsec. (b)(8). Pub. L. 110-246, §7101(b)(5)(C), substituted “section 3103” for “section 3103(13)”.

1996—Subsec. (b)(7) to (10). Pub. L. 104-127 redesignated pars. (8) to (10) as (7) to (9), respectively, and struck out former par. (7) which read as follows: “The term ‘Advisory Council’ means the National Sustainable Agriculture Advisory Council established under section 5812(c) of this title.”

1991—Subsec. (b)(8). Pub. L. 102-237 substituted “Mariana Islands” for “Marianas Islands”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### PART A—BEST UTILIZATION OF BIOLOGICAL APPLICATIONS

### § 5811. Research and extension projects

#### (a) Projects required

The Secretary shall conduct research and extension projects to obtain data, develop conclusions, demonstrate technologies, and conduct educational programs that promote the purposes of this part, including research and extension projects that—

- (1) facilitate and increase scientific investigation and education in order to—

- (A) reduce, to the extent feasible and practicable, the use of chemical pesticides, fertilizers, and toxic natural materials in agricultural production;

- (B) improve low-input farm management to enhance agricultural productivity, profitability, and competitiveness; and

- (C) promote crop, livestock, and enterprise diversification; and

- (2) facilitate the conduct of projects in order to—

- (A) study, to the extent practicable, agricultural production systems that are located in areas that possess various soil, climate, and physical characteristics;

- (B) study farms that have been, and will continue to be, managed using farm production practices that rely on low-input and conservation practices;

(C) take advantage of the experience and expertise of farmers and ranchers through their direct participation and leadership in projects;

(D) transfer practical, reliable and timely information to farmers and ranchers concerning low-input sustainable farming practices and systems; and

(E) promote a partnership between farmers, nonprofit organizations, agribusiness, and public and private research and extension institutions.

**(b) Agreements**

The Secretary shall carry out this section through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, nonprofit organizations with demonstrable expertise, or Federal or State governmental entities.

**(c) Selection of projects**

**(1) In general**

The Secretary shall select research and extension projects to be conducted under this section on the basis of—

(A) the relevance of the project to the purposes of this part;

(B) the appropriateness of the design of the project;

(C) the likelihood of obtaining the objectives of the project; and

(D) the national or regional applicability of the findings and outcomes of the proposed project.

**(2) Priority**

In conducting projects under this section, the Secretary shall give priority to projects that—

(A) closely coordinate research and extension activities;

(B) indicate the manner in which the findings of the project will be made readily usable by farmers;

(C) maximize the involvement and cooperation of farmers, including projects involving on-farm research and demonstration;

(D) involve a multidisciplinary systems approach; and

(E) involve cooperation between farms, nonprofit organizations, colleges and universities, and government agencies.

**(d) Diversification of research**

The Secretary shall conduct projects and studies under this section in areas that are broadly representative of the diversity of United States agricultural production, including production on family farms, mixed-crop livestock farms and dairy operations.

**(e) On-farm research**

The Secretary may conduct projects and activities that involve on-farm research and demonstration in carrying out this section.

**(f) Impact studies**

The Secretary may approve study projects concerning the national and regional economic, global competitiveness, social and environ-

mental implications of the adoption of low-input sustainable agricultural practices and systems.

**(g) Project duration**

**(1) In general**

The Secretary may approve projects to be conducted under this section that have a duration of more than one fiscal year.

**(2) Sequence planting**

In the case of a research project conducted under this section that involves the planting of a sequence of crops or crop rotations, the Secretary shall approve such projects for a term that is appropriate to the sequence or rotation being studied.

**(h) Public access**

The Secretary shall ensure that research projects conducted under this section are open for public observation at specified times.

**(i) Indemnification**

**(1) In general**

Subject to paragraph (2), the Secretary may indemnify the operator of a project conducted under this section for damage incurred or undue losses sustained as a result of a rigid requirement of research or demonstration under such project that is not experienced in normal farming operations.

**(2) Subject to agreement**

An indemnity payment under paragraph (1) shall be subject to any agreement between a project grantee and operator entered into prior to the initiation of such project.

(Pub. L. 101-624, title XVI, §1621, Nov. 28, 1990, 104 Stat. 3734; Pub. L. 104-127, title VIII, §860(c)(2), Apr. 4, 1996, 110 Stat. 1173.)

AMENDMENTS

1996—Subsec. (c)(1). Pub. L. 104-127, §860(c)(2)(A), redesignated subpars. (B) to (E) as (A) to (D), respectively, and struck out former subpar. (A) which read as follows: “the recommendations of the Advisory Council;”.

Subsec. (c)(2). Pub. L. 104-127, §860(c)(2)(B), redesignated subpars. (B) to (F) as (A) to (E), respectively, and struck out former subpar. (A) which read as follows: “are recommended by the Advisory Council;”.

**§ 5812. Program administration**

**(a) Duties of Secretary**

The Secretary shall—

(1) administer the programs and projects conducted under sections 5811 and 5813 of this title through the National Institute of Food and Agriculture, Agricultural Research Service, and other appropriate agencies;

(2) establish a minimum of four Regional Administrative Councils in accordance with subsection (b) of this section; and

(3) in conjunction with such Regional Administrative Councils, identify regional host institutions required to carry out such programs or projects.

**(b) Regional Administrative Councils**

**(1) Membership**

The membership of the Regional Administrative Councils shall include representatives of—

- (A) the Agricultural Research Service;
- (B) the National Institute of Food and Agriculture;
- (C) State cooperative extension services;
- (D) State agricultural experiment stations;
- (E) the Soil Conservation Service;
- (F) State departments engaged in sustainable agriculture programs;
- (G) nonprofit organizations with demonstrable expertise;
- (H) farmers utilizing systems and practices of sustainable agriculture;
- (I) agribusiness;
- (J) the State or United States Geological Survey; and
- (K) other persons knowledgeable about sustainable agriculture and its impact on the environment and rural communities.

### (2) Responsibilities

The Regional Administrative Councils shall—

- (A) promote the programs established under this subchapter at the regional level;
- (B) establish goals and criteria for the selection of projects authorized under this subchapter within the applicable region;
- (C) appoint a technical committee to evaluate the proposals for projects to be considered under this subchapter by such council;
- (D) review and act on the recommendations of the technical committee, and coordinate its activities with the regional host institution; and
- (E) prepare and make available an annual report concerning projects funded under sections 5811 and 5813 of this title, together with an evaluation of the project activity.

### (3) Conflict of interest

A member of the Regional Administrative Council or a technical committee may not participate in the discussion or recommendation of proposed projects if the member has or had a professional or business interest in, including the provision of consultancy services, the organization whose grant application is under review.

(Pub. L. 101-624, title XVI, §1622, Nov. 28, 1990, 104 Stat. 3736; Pub. L. 104-127, title VIII, §860(a), (b), Apr. 4, 1996, 110 Stat. 1173; Pub. L. 110-234, title VII, §7511(c)(15), May 22, 2008, 122 Stat. 1268; Pub. L. 110-246, §4(a), title VII, §7511(c)(15), June 18, 2008, 122 Stat. 1664, 2030.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-246, §7511(c)(15)(A), substituted “the National Institute of Food and Agriculture” for “the Cooperative State Research Service in close cooperation with the Extension Service”.

Subsec. (b)(1)(B) to (L). Pub. L. 110-246, §7511(c)(15)(B), added subpar. (B), redesignated former subpars. (D) to (L) as (C) to (K), respectively, and struck out former subpars. (B) and (C) which read as follows:

“(B) the Cooperative State Research Service;

“(C) the Extension Service;”.

1996—Subsec. (a)(2) to (4). Pub. L. 104-127, §860(b)(1), redesignated pars. (3) and (4) as (2) and (3), respectively, substituted “subsection (b)” for “subsection (e)” in par. (2), and struck out former par. (2) which read as follows: “establish the Advisory Council in accordance with subsection (c) of this section;”.

Subsec. (b). Pub. L. 104-127, §860(a), (b)(3), redesignated subsec. (e) as (b) and struck out former subsec. (b) which required Secretary, not later than Apr. 1, 1991, and each April 1 thereafter, to prepare and submit to congressional committees and to Advisory Council report describing results of programs carried out under sections 5811, 5813, and 5821 of this title and report describing progress of projects conducted under this subchapter.

Subsec. (b)(2). Pub. L. 104-127, §860(b)(4), redesignated subpars. (B) to (F) as (A) to (E), respectively, and struck out former subpar. (A) which read as follows: “make recommendations to the Advisory Council concerning research and extension projects that merit funding under sections 5811 and 5813 of this title;”.

Subsecs. (c) to (e). Pub. L. 104-127, §860(b)(2), (3), redesignated subsec. (e) as (b) and struck out subsec. (c) which provided for membership of the National Sustainable Agriculture Advisory Council and subsec. (d) which set forth responsibilities of Advisory Council.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(15) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

### § 5813. Federal-State matching grant program

#### (a) Establishment

The Secretary shall establish a Federal-State matching grant program to make grants to States to assist in the creation or enhancement of State sustainable agriculture research, extension, and education programs, in furtherance of this subchapter.

#### (b) Eligible programs and activities

States eligible to receive a grant under this section may conduct a variety of activities designed to carry out the purpose of this subchapter, including—

- (1) activities that encourage the incorporation and integration of sustainable agriculture concerns in all State research, extension, and education projects;
- (2) educational programs for farmers, educators, and the public;
- (3) the development and funding of innovative research, extension, and education programs regarding sustainable agriculture;
- (4) the conduct of research and demonstration projects;
- (5) the provision of technical assistance to farmers and ranchers;
- (6) activities that encourage farmer-to-farmer information exchanges;
- (7) the incorporation of sustainable agriculture studies in undergraduate and graduate degree programs; and
- (8) such other activities that are appropriate to the agricultural concerns of the State that are consistent with the purpose of this part.

**(c) Submission of plan****(1) Required**

States that elect to apply for a grant under this section shall prepare and submit, to the appropriate Regional Administrative Council established under section 5812 of this title, a State plan and schedule for approval by such council and the Secretary.

**(2) Elements of plan**

State plans prepared under paragraph (1) shall provide details of the proposed program to be implemented using funds provided under this section for fiscal years 1991 through 1995, or any 5-year period thereafter, and shall identify the sources of matching State funds for the same fiscal year.

**(3) Participation of farmers**

To be eligible for approval, State plans submitted under this subsection shall demonstrate that there will be extensive and direct participation of farmers in the development, implementation, and evaluation of the program.

**(d) Grant award****(1) Limits**

Subject to paragraph (2), the Secretary shall provide grants to eligible States in an amount not to exceed 50 percent of the cost of the establishment or enhancement of a State sustainable agriculture program under a plan approved by the Secretary under subsection (c) of this section for a period not to exceed 5 years.

**(2) State contribution**

To be eligible to receive a grant under this section, a State shall agree to pay, from State appropriated funds, other State revenue, or from private contributions received by the State, not less than 50 percent of the cost of the establishment or enhancement of the sustainable agriculture program under an approved plan under subsection (c) of this section.

(Pub. L. 101-624, title XVI, §1623, Nov. 28, 1990, 104 Stat. 3738.)

**§ 5814. Authorization of appropriations**

There are authorized to be appropriated \$40,000,000 for each fiscal year to carry out this part. Of amounts appropriated to carry out this part for a fiscal year, not less than \$15,000,000, or not less than two thirds of any such appropriation, whichever is greater, shall be used to carry out sections 5811 and 5812 of this title.

(Pub. L. 101-624, title XVI, §1624, Nov. 28, 1990, 104 Stat. 3739; Pub. L. 102-237, title IV, § 408, Dec. 13, 1991, 105 Stat. 1865.)

**AMENDMENTS**

1991—Pub. L. 102-237 substituted “and 5812” for “and 5813”.

**PART B—INTEGRATED MANAGEMENT SYSTEMS****§ 5821. Integrated management systems****(a) Establishment**

The Secretary shall establish a research and education program concerning integrated re-

source management and integrated crop management in order to enhance research related to farming operations, practices, and systems that optimize crop and livestock production potential and are environmentally sound. The purpose of the program shall be—

(1) to encourage producers to adopt integrated crop and livestock management practices and systems that minimize or abate adverse environmental impacts, reduce soil erosion and loss of water and nutrients, enhance the efficient use of on-farm and off-farm inputs, and maintain or increase profitability and long-term productivity;

(2) to develop knowledge and information on integrated crop and livestock management systems and practices to assist agricultural producers in the adoption of these systems and practices;

(3) to accumulate and analyze information on agricultural production practices researched or developed under programs established under this subchapter, chapter 86 of this title,<sup>1</sup> and other appropriate programs of the Department of Agriculture to further the development of integrated crop and livestock management systems;

(4) to facilitate the adoption of whole-farm integrated crop and livestock management systems through demonstration projects on individual farms, including small and limited resource farms, throughout the United States; and

(5) to evaluate and recommend appropriate integrated crop and livestock management policies and programs.

**(b) Development and adoption of integrated crop management practices**

The Secretary shall encourage agricultural producers to adopt and develop individual, site-specific integrated crop management practices. On a priority basis, the Secretary shall develop and disseminate information on integrated crop management systems for agricultural producers in specific localities or crop producing regions where the Secretary determines—

(1) water quality is impaired as a result of local or regional agricultural production practices; or

(2) the adoption of such practices may aid in the recovery of endangered or threatened species.

**(c) Development and adoption of integrated resource management practices**

The Secretary shall, on a priority basis, develop programs to encourage livestock producers to develop and adopt individual, site-specific integrated resource management practices. These programs shall be designed to benefit producers and consumers through—

(1) optimum use of available resources and improved production and financial efficiency for producers;

(2) identifying and prioritizing the research and educational needs of the livestock industry relating to production and financial efficiency, competitiveness, environmental stability, and food safety; and

<sup>1</sup> See References in Text note below.

(3) utilizing an interdisciplinary approach.

**(d) Authorization of appropriations**

There are authorized to be appropriated for each fiscal year \$20,000,000 to carry out this section through the National Institute of Food and Agriculture.

(Pub. L. 101-624, title XVI, §1627, Nov. 28, 1990, 104 Stat. 3739; Pub. L. 104-127, title VIII, §862(b)(2), Apr. 4, 1996, 110 Stat. 1174; Pub. L. 110-234, title VII, §7511(c)(16), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §7511(c)(16), June 18, 2008, 122 Stat. 1664, 2030.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(3), was in the original “this subtitle”, meaning subtitle B (§§1619-1629) of title XVI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

Chapter 86 of this title, referred to in subsec. (a)(3), was in the original “subtitle G of title XIV”, meaning subtitle G (§§1481-1485) of title XIV of Pub. L. 101-624, which was repealed by Pub. L. 105-185, title III, §302(c), June 23, 1998, 112 Stat. 563.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-246, §7511(c)(16), substituted “National Institute of Food and Agriculture” for “Extension Service”.

1996—Subsec. (a)(3). Pub. L. 104-127 struck out “and section 5881 of this title” before “and other appropriate”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(16) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 5822. Integrated Farm Management Program Option**

**(a) Establishment**

The Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) shall, by regulation, establish a voluntary program, to be known as the “Integrated Farm Management Program Option” (hereafter referred to in this section as the “program”), designed to assist producers of agricultural commodities in adopting integrated, multiyear, site-specific farm management plans by reducing farm program barriers to resource stewardship practices and systems.

**(b) Definitions**

**(1) In general**

For purposes of this section—

(A) The term “resource-conserving crop” means legumes, legume-grass mixtures, leg-

ume-small grain mixtures, legume-grass-small grain mixtures, and alternative crops.

(B) The term “resource-conserving crop rotation” means a crop rotation that includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility and tilth, interrupts pest cycles, or conserves water.

(C) The term “farming operations and practices” includes the integration of crops and crop-plant variety selection, rotation practices, tillage systems, soil conserving and soil building practices, nutrient management strategies, biological control and integrated pest management strategies, livestock production and management systems, animal waste management systems, water and energy conservation measures, and health and safety considerations.

(D) The term “integrated farm management plan” means a comprehensive, multi-year, site-specific plan that meets the requirements of subsection (f) of this section.

**(2) Crops**

For purposes of paragraph (1)(A)—

(A) The term “grass” means perennial grasses commonly used for haying or grazing.

(B) The term “legume” means forage legumes (such as alfalfa or clover) or any legume grown for use as a forage or green manure, but not including any bean crop from which the seeds are harvested.

(C) The term “small grain” shall not include malting barley or wheat, except for wheat interplanted with other small grain crops for nonhuman consumption.

(D) The term “alternative crops” means experimental and industrial crops grown in arid and semiarid regions that conserve soil and water.

**(c) Eligibility**

To be eligible to participate in the program established by this section, a producer must—

(1) prepare and submit to the Secretary for approval an integrated farm management plan (hereafter referred to in this section as the “plan”);

(2) actively apply the terms and conditions of the plan, as approved by the Secretary;

(3) devote to a resource-conserving crop, on the average through the life of the contract, not less than 20 percent of the crop acreage bases enrolled under such program;

(4) comply with the terms and conditions of any annual acreage limitation program in effect for the crop acreage bases contracted under the terms of this subsection; and

(5) keep such records as the Secretary may reasonably require.

**(d) Acreage**

In accepting contracts for the program, the Secretary, to the extent practicable, shall enroll not less than 3,000,000, nor more than 5,000,000, acres of cropland in each of the calendar years 1991 through 1995.

**(e) Contracts**

The Secretary shall enter into contracts with producers to enroll acreage in the program.

Such contracts shall be for a period of not less than 3 years, but may, at the producer's option, be for a longer period of time (up to 5 years) and may be renewed upon mutual agreement between the Secretary and the producer.

**(f) Requirements of plans**

Each plan approved by the Secretary shall—

(1) specify the acreage and the crop acreage bases to be enrolled in the program;

(2) describe the resource-conserving crop rotation to be implemented and maintained on such acreage during the contract period to fulfill the purposes of the program;

(3) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation described in the plan;

(4) describe the farming operations and practices to be implemented on such acreage and how such operations and practices could reasonably be expected to result in—

(A) the maintenance or enhancement of the overall productivity and profitability of the farm;

(B) the prevention of the degradation of farmland soils, the long-term improvement of the fertility and physical properties of such soils; and

(C) the protection of water supplies from contamination by managing or minimizing agricultural pollutants if their management or minimization results in positive economic and environmental benefits;

(5) assist the producer to comply with all Federal, State, and local requirements designed to protect soil, wetland, wildlife habitat, and the quality of groundwater and surface water; and

(6) contain such other terms as the Secretary may, by regulation, require.

**(g) Administration; certification; termination**

**(1) Administration; technical assistance; flexibility; implementation; displacement**

**(A) Administration**

The program shall be administered by the Secretary.

**(B) Technical assistance**

In administering the program, the Secretary, in consultation with the local conservation districts, and any State or local authorities deemed appropriate by the Secretary, shall provide technical assistance to producers in developing and implementing plans, evaluating the effectiveness of plans, and assessing the costs and benefits of farming operations and practices. The plans may draw on handbooks and technical guides and may also include other practices appropriate to the particular circumstances of the producer and the purposes of the program.

**(C) Flexibility**

In administering the program, the Secretary shall provide sufficient flexibility for a producer to adjust or modify the producer's plan consistent with this section, except that such adjustments or modifications must be approved by the Secretary.

**(D) Minimization of adverse effect**

**(i) In general**

Notwithstanding any other provision of this section, the Secretary shall implement this section in such a manner as to minimize any adverse economic effect on the agribusinesses and other agriculturally related economic interests within any county, State, or region that may result from a decrease of harvested acres due to the operation of this section. In carrying out this section, the Secretary may restrict the total amount of crop acreage that may be removed from production, taking into consideration the total amount of crop acreage that has, or will be, removed from production under other price support, production adjustment, or conservation program activities.

**(ii) Maximize conservation goals**

The Secretary shall, to the greatest extent practicable, permit producers on a farm that desire to participate in the program authorized under this section to enroll acreage adequate to maximize conservation goals on such farm and ensure economic effectiveness of the program in each individual application.

**(E) Displacement**

The Secretary shall not approve any plan that will result in the involuntary displacement of farm tenants or lessees by landowners through the removal of substantial portions of the farm from production of a commodity. In the case of any tenant or lessee who has rented or leased the farm (with or without a written option for annual renewal or periodic renewals) for a period of two or more of the immediately preceding years, the Secretary shall consider the refusal by a landlord, without reasonable cause other than simply for the purpose of enrollment in the program, to renew such rental or lease as an involuntary displacement in the absence of a written consent to such nonrenewal by the tenant or lessee.

**(2) Certification**

The Secretary shall certify compliance by producers with the terms and conditions of the plans.

**(3) Termination**

The Secretary may terminate a contract entered into with a producer under this program if—

(A) the producer agrees to such termination, or

(B) the producer violates the terms and conditions of such contract.

**(h) Program rules**

**(1) Base and yield protection**

Notwithstanding any other provision of law, the Secretary shall not, except as provided in paragraph (6), reduce crop acreage bases, or farm program payment yields, as a result of the planting of a resource-conserving crop as part of a resource-conserving crop rotation.

**(2) Resource-conserving crops on reduced acreage**

Notwithstanding the provisions of title I of the Agricultural Act of 1949 [7 U.S.C. 1441 et seq.], acreage devoted to resource-conserving crops as part of a resource-conserving crop rotation under this program may also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program and up to 50 percent of the acreage so designated shall be without restrictions on haying and grazing, except as provided in paragraph (5)(B), except that such acreage that is devoted to perennial cover on which cost-share assistance for the establishment of the perennial cover has been provided, shall not be credited towards the producer's resource-conserving crop requirement under a contract under this section.

**(3) Barley, oats, and wheat**

Notwithstanding any other provisions of this section, barley, oats, or wheat planted as part of a resource-conserving crop on reduced acreage may not be harvested in kernel form.

**(4) Payment acres**

Notwithstanding any other provision of this Act, the Secretary shall not reduce farm program payments of participants in this program as a result of the planting a resource-conserving crop as part of a resource-conserving crop rotation on payment acres.

**(5) Haying and grazing restriction**

**(A) In general**

The Secretary shall not make any program payments to a producer who is otherwise eligible to receive with respect to acreage enrolled in the program if such producer hays or grazes such acreage (excluding acreage designated as conservation use acreage) during the 5-month period in each State during which haying and grazing of conserving use acres is not allowed under the provisions of the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or, if the crop planted on such acreage includes a small grain, before the producer harvests the small grain crop in kernel form.

**(B) Limitation on permitted haying and grazing**

Notwithstanding any other provision of this section, if the Secretary determines that implementation of this section will result in a significant adverse economic impact on hay or livestock prices in a particular geographic area, the Secretary may limit the quantity of hay that can be harvested or grazed from that area. Such limit may include restrictions on the number of times that hay may be harvested or grazed from the acres per year, the timing of such harvesting and grazing, or the number of years that such land may remain in the same hay stand, or a prohibition on the harvesting or grazing of hay from acres on which a small grain was not originally interplanted with the hay crop and harvested for grain.

**(6) Base acre adjustments**

The Secretary, only for the purpose of establishing a producer's crop acreage base under

the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], may make such adjustments as the Secretary determines to be fair and equitable to reflect resource-conserving crop rotation practices that were maintained by producers prior to participation in the program and to reflect such other factors as the Secretary determines should be considered, except that the total of such adjustments in any year shall not exceed the total farm program savings in the same year that would result from the implementation of plans.

**(7) Payment acreage limitation**

**(A) In general**

No producers enrolled in a resource-conserving crop rotation shall be eligible to receive payments under farm programs for wheat, feed grains, cotton, or rice under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] on acreage equal to the average number of traditionally underplanted acres for the three years prior to enrolling in this program.

**(B) "Traditionally underplanted acreage" defined**

**(i) In general**

Subject to clause (ii), for the purposes of this paragraph the term "traditionally underplanted acreage" means the difference in a particular year between the acreage that is part of a producer's crop acreage base that is not planted to the program crop and the part of the crop acreage base subject to an acreage limitation program or required to be set aside, but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1). In no case shall such acreage be less than zero.

**(ii) Exception**

In the case of a producer participating in a particular year in a program authorized under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E)<sup>1</sup> of the Agricultural Act of 1949, the term "traditionally underplanted acreage" means 8 percent of the producer's permitted acreage for such year.

(Pub. L. 101-624, title XIV, §1451, Nov. 28, 1990, 104 Stat. 3607; Pub. L. 101-508, title I, §1204(a), Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 102-237, title II, §201(a), Dec. 13, 1991, 105 Stat. 1846.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (h)(2), (5)(A), (6), (7)(A), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. Title I of the Agricultural Act of 1949, is classified generally to subchapter II (§1441 et seq.) of chapter 35A of this title. Sections 101B, 103B, 105B, and 107B of the Act were classified to sections 1441-2, 1444-2, 1444f, and 1445b-3a of this title prior to repeal by Pub. L. 104-127, title I, §171(b)(2)(A)-(D), Apr. 4, 1996, 110 Stat. 938. For com-

<sup>1</sup> See References in Text note below.



plete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

This Act, referred to in subsec. (h)(4), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended, known as the Food, Agriculture, Conservation, and Trade Act of 1990. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Section 1101 of the Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (h)(7)(B)(i), is section 1101 of Pub. L. 101-508, which amended former sections 1441-2, 1444-2, 1444f, and 1445b-3a of this title.

#### CODIFICATION

Section was not enacted as part of subtitle B of title XVI of Pub. L. 101-624 which comprises this subchapter.

#### AMENDMENTS

1991—Subsec. (b)(1)(D). Pub. L. 102-237, § 201(a)(1), substituted “subsection (f)” for “subsection (e)”.

Subsec. (d). Pub. L. 102-237, § 201(a)(2), inserted “each of” before “the calendar”.

Subsec. (f)(5). Pub. L. 102-237, § 201(a)(3), substituted “assist” for “assisting”.

Subsec. (h)(7)(B)(i). Pub. L. 102-237, § 201(a)(4)(A), inserted before period at end of first sentence “, but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1)”.

Subsec. (h)(7)(B)(ii). Pub. L. 102-237, § 201(a)(4)(B), substituted “under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E)” for “under section 101B(c)(1)(B), section 103B(c)(1)(B), section 105A(c)(1)(B), or section 107A(c)(1)(B)”.

1990—Subsec. (d). Pub. L. 101-508, § 1204(a)(1), substituted “enroll not less than” for “enroll not more than”.

Subsec. (h)(7)(A). Pub. L. 101-508, § 1204(a)(2), substituted “shall be eligible” for “shall not be eligible”.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-237 effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101-624, to which the amendment relates, see section 1101(b)(1) of Pub. L. 102-237, set out as a note under section 1421 of this title.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101-508, set out as an Effective Date note under section 940d of this title.

### PART C—SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM

## § 5831. Technical guides and handbooks

### (a) Development

Not later than two years after November 28, 1990, the Secretary shall develop and make available handbooks and technical guides, and any other educational materials that are appropriate for describing sustainable agriculture production systems and practices, as researched and developed under this subchapter, chapter 86 of this title,<sup>1</sup> and other appropriate research programs of the Department.

### (b) Consultation and coordination

The Secretary shall develop the handbooks, technical guides, and educational materials in

consultation with the Natural Resources Conservation Service and any other appropriate entities designated by the Secretary. The Secretary shall coordinate activities conducted under this section with those conducted under section 3861 of title 16.

### (c) Topics of handbooks and guides

The handbooks and guides, and other educational materials, shall include detailed information on the selection of crops and crop-plant varieties, rotation practices, soil building practices, tillage systems, nutrient management, integrated pest management practices, habitat protection, pest, weed, and disease management, livestock management, soil, water, and energy conservation, and any other practices in accordance with or in furtherance of the purpose of this subchapter.

### (d) Organization and contents

The handbooks and guides, and other educational materials, shall provide practical instructions and be organized in such a manner as to enable agricultural producers desiring to implement the practices and systems developed under this subchapter, chapter 86 of this title,<sup>1</sup> and other appropriate research programs of the Department to address site-specific, environmental and resource management problems and to sustain farm profitability, including—

- (1) enhancing and maintaining the fertility, productivity, and conservation of farmland and ranch soils, ranges, pastures, and wildlife;
- (2) maximizing the efficient and effective use of agricultural inputs;
- (3) protecting or enhancing the quality of water resources; or
- (4) optimizing the use of on-farm and non-renewable resources.

### (e) Availability

The Secretary shall ensure that handbooks and technical guides, and other educational materials are made available to the agricultural community and the public through colleges and universities, the State Cooperative Extension Service, the Soil Conservation Service, other State and Federal agencies, and any other appropriate entities.

### (f) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(Pub. L. 101-624, title XVI, § 1628, Nov. 28, 1990, 104 Stat. 3740; Pub. L. 102-237, title IV, § 407(3), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104-127, title VIII, §§ 860(c)(3), 862(b)(3), Apr. 4, 1996, 110 Stat. 1174.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a), (c), and (d), was in the original “this subtitle”, meaning subtitle B (§§ 1619-1629) of title XVI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

Chapter 86 of this title, referred to in subsecs. (a) and (d), was in the original “subtitle G of title XIV”, meaning subtitle G (§§ 1481-1485) of title XIV of Pub. L.

<sup>1</sup> See References in Text note below.

101-624, which was repealed by Pub. L. 105-185, title III, § 302(c), June 23, 1998, 112 Stat. 563.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, § 862(b)(3), struck out “section 5881 of this title,” before “and other appropriate”.

Subsec. (b). Pub. L. 104-127, § 860(c)(3), substituted “Natural Resources Conservation Service” for “Advisory Council, the Soil Conservation Service.”.

Subsec. (d). Pub. L. 104-127, § 862(b)(3), struck out “section 5881 of this title,” before “and other appropriate” in introductory provisions.

1991—Subsec. (c). Pub. L. 102-237 substituted “educational” for “education”.

### § 5832. National Training Program

#### (a) In general

The Secretary shall establish a National Training Program in Sustainable Agriculture to provide education and training for Cooperative Extension Service agents and other professionals involved in the education and transfer of technical information concerning sustainable agriculture in order to develop their understanding, competence, and ability to teach and communicate the concepts of sustainable agriculture to Cooperative Extension Service agents and to farmers and urban residents who need information on sustainable agriculture.

#### (b) Administration

The National Training Program shall be organized and administered by the National Institute of Food and Agriculture, in coordination with other appropriate Federal agencies. The Secretary shall designate an individual from the Cooperative Extension Service in each State to coordinate the National Training Program within that State. The coordinators shall be responsible, in cooperation with appropriate Federal and State agencies, for developing and implementing a statewide training program for appropriate field office personnel.

#### (c) Required training

##### (1) Agricultural agents

The Secretary shall ensure that all agricultural agents of the Cooperative Extension Service have completed the National Training Program not later than the end of the five-year period beginning on November 28, 1990. Such training may occur at a college or university located within each State as designated by the coordinator designated under this section.

##### (2) Proof of training

Beginning three years after November 28, 1990, the Secretary shall ensure that all new Cooperative Extension Service agents employed by such Service are able to demonstrate, not later than 18 months after the employment of such agents, that such agents have completed the training program established in subsection (a) of this section.

#### (d) Regional training centers

##### (1) Designation

The Secretary shall designate not less than two regional training centers to coordinate and administer educational activities in sus-

tainable agriculture as provided for in this section.

#### (2) Training program

Such centers shall offer intensive instructional programs involving classroom and field training work for extension specialists and other individuals who are required to transmit technical information.

#### (3) Prohibition on construction

Such centers shall be located at existing facilities, and no funds appropriated to carry out this part shall be used for facility construction.

#### (4) Administration

Such centers should be administered by entities that have a demonstrated capability relating to sustainable agriculture. The Secretary should consider utilizing existing entities with expertise in sustainable agriculture to assist in the design and implementation of the training program under paragraph (2).

#### (5) Coordination of resources

Such centers shall make use of information generated by the Department of Agriculture and the State agricultural experiment stations, and the practical experience of farmers, especially those cooperating in on-farm demonstrations and research projects, in carrying out the functions of such centers.

#### (e) Competitive grants

##### (1) In general

The Secretary shall establish a competitive grants program to award grants to organizations, including land-grant colleges and universities, to carry out sustainable agricultural training for county agents and other individuals that need basic information concerning sustainable agriculture practices.

##### (2) Short courses

The purpose of the grants made available under paragraph (1) shall be to establish, in various regions in the United States, training programs that consist of workshops and short courses designed to familiarize participants with the concepts and importance of sustainable agriculture.

#### (f) Regional specialists

To assist county agents and farmers implement production practices developed under this subchapter, chapter 86 of this title,<sup>1</sup> and other appropriate research programs of the Department, regional sustainable agriculture specialists may be designated within each State who shall report to the State coordinator of that State. The specialists shall be responsible for developing and coordinating local dissemination of sustainable agriculture information in a manner that is useful to farmers in the region.

#### (g) Information availability

The Cooperative Extension Service within each State shall transfer information developed under this subchapter, chapter 86 of this title,<sup>1</sup> and other appropriate research programs of the Department through a program that shall—

<sup>1</sup> See References in Text note below.

(1) assist in developing farmer-to-farmer information exchange networks to enable farmers making transitions to more sustainable farming systems to share ideas and draw on the experiences of other farmers;

(2) help coordinate and publicize a regular series of sustainable agriculture farm tours and field days within each State;

(3) plan for extension programming, including extensive farmer input and feedback, in the design of new and ongoing research endeavors related to sustainable agriculture;

(4) provide technical assistance to individual farmers in the design and implementation of farm management plans and strategies for making a transition to more sustainable agricultural systems;

(5) consult and work closely with the Soil Conservation Service and the Agricultural Stabilization and Conservation Service in carrying out the information, technical assistance, and related programs;

(6) develop, coordinate, and direct special education and outreach programs in areas highly susceptible to groundwater contamination, linking sustainable agriculture information with water quality improvement information;

(7) develop information sources relating to crop diversification, alternative crops, on-farm food or commodity processing, and on-farm energy generation;

(8) establish a well-water testing program designed to provide those persons dependent upon underground drinking water supplies with an understanding of the need for regular water testing, information on sources of testing, and an understanding of how to interpret test results and provide for the protection of underground water supplies;

(9) provide specific information on water quality practices developed through the research programs in chapter 86 of this title;<sup>1</sup>

(10) provide specific information on nutrient management practices developed through the research programs in chapter 86 of this title;<sup>1</sup> and

(11) provide information concerning whole-farm management systems integrating research results under this subchapter, chapter 86 of this title,<sup>1</sup> and other appropriate research programs of the Department.

**(h) “Appropriate field office personnel” defined**

For purposes of this section, the term “appropriate field office personnel” includes employees of the National Institute of Food and Agriculture, Soil Conservation Service, and other appropriate Department of Agriculture personnel, as determined by the Secretary, whose activities involve the provision of agricultural production and conservation information to agricultural producers.

**(i) Authorization of appropriations**

There are authorized to be appropriated \$20,000,000 for each fiscal year to carry out the National Training Program.

(Pub. L. 101-624, title XVI, §1629, Nov. 28, 1990, 104 Stat. 3741; Pub. L. 102-237, title IV, §407(4), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104-127, title

VIII, §862(b)(4), Apr. 4, 1996, 110 Stat. 1174; Pub. L. 105-185, title VI, §606(f), June 23, 1998, 112 Stat. 604; Pub. L. 110-234, title VII, §7511(c)(17), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §7511(c)(17), June 18, 2008, 122 Stat. 1664, 2030.)

**REFERENCES IN TEXT**

Chapter 86 of this title, referred to in subsecs. (f) and (g), was in the original “subtitle G of title XIV”, meaning subtitle G (§§1481-1485) of title XIV of Pub. L. 101-624, which was repealed by Pub. L. 105-185, title III, §302(c), June 23, 1998, 112 Stat. 563.

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**AMENDMENTS**

2008—Subsec. (b). Pub. L. 110-246, §7511(c)(17)(A), substituted “the National Institute of Food and Agriculture” for “the Extension Service” in first sentence.

Subsec. (h). Pub. L. 110-246, §7511(c)(17)(B), substituted “National Institute of Food and Agriculture” for “Extension Service”.

1998—Subsec. (g). Pub. L. 105-185 struck out “section 5881 of this title,” before “and other appropriate research” in introductory provisions.

1996—Subsecs. (f), (g)(11). Pub. L. 104-127 struck out “section 5881 of this title,” before “and other appropriate”.

1991—Subsec. (c)(1). Pub. L. 102-237 substituted “ensure” for “insure”.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(17) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**SUBCHAPTER II—NATIONAL GENETIC RESOURCES PROGRAM**

**§ 5841. Establishment, purpose, and functions of National Genetic Resources Program**

**(a) In general**

The Secretary of Agriculture shall provide for a National Genetic Resources Program.

**(b) Purpose**

The program is established for the purpose of maintaining and enhancing a program providing for the collection, preservation, and dissemination of genetic material of importance to American food and agriculture production.

**(c) Administration**

The program shall be administered by the Secretary through the Agricultural Research Service.

**(d) Functions**

The Secretary, acting through the program, shall—

(1) provide for the collection, classification, preservation, and dissemination of genetic material of importance to the food and agriculture sectors of the United States;

(2) conduct research on the genetic materials collected and on methods for storage and preservation of those materials;

(3) coordinate the activities of the program with similar activities occurring domestically;

(4) unless otherwise prohibited by law, have the right to make available on request, without charge and without regard to the country from which the request originates, the genetic material that the program assembles;

(5) expand the types of genetic resources included in the program to develop a comprehensive genetic resources program which includes plants (including silvicultural species), animal, aquatic, insect, microbiological, and other types of genetic resources of importance to food and agriculture, as resources permit; and

(6) engage in such other activities as the Secretary determines appropriate and as the resources of the program permit.

(Pub. L. 101-624, title XVI, §1632, Nov. 28, 1990, 104 Stat. 3744; Pub. L. 104-127, title VIII, §832(a), Apr. 4, 1996, 110 Stat. 1168.)

#### AMENDMENTS

1996—Subsec. (d)(4). Pub. L. 104-127 added par. (4) and struck out former par. (4) which read as follows: “make available upon request, without charge and without regard to the country from which such request originates, the genetic material which the program assembles;”.

### § 5842. Appointment and authority of Director

#### (a) Director

There shall be at the head of the program an official to be known as the Director of the National Genetic Resources Program who shall be appointed by the Secretary. The Director shall perform such duties as are assigned to the Director by this subchapter and such other duties as the Secretary may prescribe.

#### (b) Administrative authority

In carrying out this subchapter, the Secretary, acting through the Director—

(1) shall be responsible for the overall direction of the program and for the establishment and implementation of general policies respecting the management and operation of activities within the program;

(2) may secure for the program consultation services and advice of persons from the United States and abroad;

(3) may accept voluntary and uncompensated services; and

(4) may perform such other administrative functions as the Secretary determines are needed to effectively carry out this subchapter.

#### (c) Duties

The Director shall—

(1) advise participants on the program activities;

(2) coordinate, review and facilitate the systematic identification and evaluation of, relevant information generated under the program;

(3) promote the effective transfer of the information described in paragraph (2) to the ag-

riculture and food production community and to entities that require such information; and

(4) monitor the effectiveness of the activities described in paragraph (3).

#### (d) Biennial reports

The Director shall prepare and transmit to the Secretary and to the Congress a biennial report containing—

(1) a description of the activities carried out by and through the program and the policies of the program, and such recommendations respecting such activities and policies as the Director considers to be appropriate;

(2) a description of the necessity for, and progress achieved toward providing, additional programs and activities designed to include the range of genetic resources described in section 5841(d)(5) of this title in the activities of the program; and

(3) an assessment of events and activities occurring internationally as they relate to the activities and policies of the program.

#### (e) Initial reports

Not later than one year after November 28, 1990, the Director shall transmit to the Secretary and to the Congress a report—

(1) describing the projected needs over a 10-year period in each of the areas of genetic resources described in section 5841(d)(5) of this title, including the identification of existing components of a comprehensive program, policies and activities needed to coordinate those components, and additional elements not in existence which are required for the development of a comprehensive genetic resources program as described in such section;

(2) assessing the international efforts and activities related to the program, and their effect upon and coordination with the program; and

(3) evaluating the potential effect of various national laws, including national quarantine requirements, as well as treaties, agreements, and the activities of international organizations on the development of a comprehensive international system for the collection and maintenance of genetic resources of importance to agriculture.

(Pub. L. 101-624, title XVI, §1633, Nov. 28, 1990, 104 Stat. 3744; Pub. L. 102-237, title IV, §404(a)(2), Dec. 13, 1991, 105 Stat. 1864.)

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 substituted “Resources Program” for “Resources program”.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d) of this section relating to biennial reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 49 of House Document No. 103-7.

### § 5843. Advisory council

#### (a) Establishment and membership

The Secretary shall establish an advisory council for the program for the purpose of advising, assisting, consulting with, and making rec-

ommendations to, the Secretary and Director concerning matters related to the activities, policies and operations of the program. The advisory council shall consist of ex officio members and not more than nine members appointed by the Secretary.

**(b) Ex officio members**

The ex officio members of the advisory council shall consist of the following persons (or their designees):

- (1) The Director.
- (2) The Assistant Secretary of Agriculture for Science and Education.
- (3) The Director of the National Agricultural Library.
- (4) The Director of the National Institutes of Health.
- (5) The Director of the National Science Foundation.
- (6) The Secretary of Energy.
- (7) The Director of the Office of Science and Technology Policy.
- (8) Such additional officers and employees of the United States as the Secretary determines are necessary for the advisory council to effectively carry out its functions.

**(c) Appointment of other members**

The members of the advisory council who are not ex officio members shall be appointed by the Secretary as follows:

- (1) Two-thirds of the members shall be appointed from among the leading representatives of the scientific disciplines relevant to the activities of the program, including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences.
- (2) One-third of the members shall be appointed from the general public and shall include leaders in fields of public policy, trade, international development, law, or management.

**(d) Compensation**

Members of the advisory council shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the advisory council, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5.

**(e) Term of office of appointees; vacancies**

**(1) Term**

The term of office of a member appointed under subsection (c) of this section is four years, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

**(2) Initial appointment**

The Secretary shall make appointments to the advisory council so as to ensure that the terms of the members appointed under sub-

section (c) of this section do not all expire in the same year. A member may serve after the expiration of the member's term until a successor takes office.

**(3) Reappointment**

A member who is appointed for a term of four years may not be reappointed to the advisory council before two years after the date of expiration of such term of office.

**(4) Vacancies**

If a vacancy occurs in the advisory council among the members appointed under subsection (c) of this section, the Secretary shall make an appointment to fill such vacancy within 90 days after the date such vacancy occurs.

**(f) Chair**

The Secretary shall select as the chair of the advisory council one of the members appointed under subsection (c) of this section. The term of office of the chair shall be two years.

**(g) Meetings**

The advisory council shall meet at the call of the chair or on the request of the Director, but at least two times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director.

**(h) Staff**

The Director shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions.

**(i) Orientation and training**

The Director shall provide such orientation and training for new members of the advisory council as may be appropriate for their effective participation in the functions of the advisory council.

**(j) Comments and recommendations**

The advisory council may prepare, for inclusion in a report submitted under section 5842 of this title—

- (1) comments respecting the activities of the advisory council during the period covered by the report;
- (2) comments on the progress of the program in meeting its objectives; and
- (3) recommendations respecting the future directions, program, and policy emphasis of the program.

**(k) Reports**

The advisory council may prepare such reports as the advisory council determines to be appropriate.

**(l) Application of Advisory Committee Act**

Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) relating to the termination of an advisory committee shall not apply to the advisory council established under this section.

(Pub. L. 101-624, title XVI, §1634, Nov. 28, 1990, 104 Stat. 3745; Pub. L. 102-237, title IV, §407(5), Dec. 13, 1991, 105 Stat. 1864.)

REFERENCES IN TEXT

Section 14(a) of the Federal Advisory Committee Act, referred to in subsec. (l), is section 14(a) of Pub. L.

92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

1991—Subsec. (l). Pub. L. 102-237 substituted “council established” for “committee established”.

### § 5844. Definitions and authorization of appropriations

#### (a) Definitions

For purposes of this subchapter:

(1) The term “program” means the National Genetic Resources Program.

(2) The term “Secretary” means the Secretary of Agriculture.

(3) The term “Director” means the Director of the National Genetic Resources Program.

#### (b) Authorization of appropriations

There are authorized to be appropriated such funds as may be necessary to carry out this subchapter for each of the fiscal years 1991 through 2012.

(Pub. L. 101-624, title XVI, §1635, Nov. 28, 1990, 104 Stat. 3747; Pub. L. 104-127, title VIII, §832(b), Apr. 4, 1996, 110 Stat. 1168; Pub. L. 105-185, title III, §301(b)(1), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7118, May 13, 2002, 116 Stat. 434; Pub. L. 110-234, title VII, §7201, May 22, 2008, 122 Stat. 1233; Pub. L. 110-246, §4(a), title VII, §7201, June 18, 2008, 122 Stat. 1664, 1994.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, §7201, substituted “2012” for “2007”.

2002—Subsec. (b). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (b). Pub. L. 105-185 substituted “2002” for “1997”.

1996—Subsec. (b). Pub. L. 104-127 substituted “1997” for “1995”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### SUBCHAPTER III—NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM

### § 5851. Short title and purposes

#### (a) Short title

This subchapter may be cited as the “National Agricultural Weather Information System Act of 1990”.

#### (b) Purposes

The purposes of this subchapter are—

(1) to provide a nationally coordinated agricultural weather information system, based on the participation of universities, State programs, Federal agencies, and the private weather consulting sector, and aimed at meeting the weather and climate information needs of agricultural producers;

(2) to facilitate the collection, organization, and dissemination of advisory weather and climate information relevant to agricultural producers, through the participation of the private sector and otherwise;

(3) to provide for research and education on agricultural weather and climate information, aimed at improving the quality and quantity of weather and climate information available to agricultural producers, including research on short-term forecasts of thunderstorms and on extended weather forecasting techniques and models;

(4) to encourage, where feasible, greater private sector participation in providing agricultural weather and climate information, to encourage private sector participation in educating and training farmers and others in the proper utilization of agricultural weather and climate information, and to strengthen their ability to provide site-specific weather forecasting for farmers and the agricultural sector in general; and

(5) to ensure that the weather and climate data bases needed by the agricultural sector are of the highest scientific accuracy and thoroughly documented, and that such data bases are easily accessible for remote computer access.

(Pub. L. 101-624, title XVI, §1637, Nov. 28, 1990, 104 Stat. 3747.)

### § 5852. Agricultural Weather Office

#### (a) Establishment of Office and administration of system

##### (1) Establishment required

The Secretary of Agriculture shall establish in the Department of Agriculture an Agricultural Weather Office to plan and administer the National Agricultural Weather Information System. The system shall be comprised of the office established under this section and the activities of the State agricultural weather information systems described in section 5854 of this title.

##### (2) Director

The Secretary shall appoint a Director to manage the activities of the Agricultural Weather Office and to advise the Secretary on scientific and programmatic coordination for climate, weather, and remote sensing.

#### (b) Authority

The Secretary, acting through the Office, may undertake the following activities to carry out this subchapter:

(1) Enter into cooperative projects with the National Weather Service to—

(A) support operational weather forecasting and observation useful in agriculture;

(B) sponsor joint workshops to train agriculturalists about the optimum utilization of agricultural weather and climate data;

(C) jointly develop improved computer models and computing capacity; and

(D) enhance the quality and availability of weather and climate information needed by agriculturalists.

(2) Obtain standardized weather observation data collected in near real time through State agricultural weather information systems.

(3) Make, through the National Institute of Food and Agriculture, competitive grants under subsection (c) of this section for research in atmospheric sciences and climatology.

(4) Make grants to eligible States under section 5854 of this title to plan and administer State agricultural weather information systems.

(5) Coordinate the activities of the Office with the weather and climate research activities of the National Institute of Food and Agriculture, the National Academy of Sciences, the National Science Foundation Atmospheric Services Program, and the National Climate Program.

(6) Encourage private sector participation in the National Agricultural Weather Information System through mutually beneficial cooperation with the private sector, particularly in generating weather and climatic data useful for site-specific agricultural weather forecasting.

**(c) Competitive grants program**

**(1) Grants authorized**

With funds allocated to carry out this subsection, the Secretary of Agriculture may make grants to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations and corporations, and individuals to carry out research in all aspects of atmospheric sciences and climatology that can be shown to be important in both a basic and developmental way to understanding, forecasting, and delivering agricultural weather information.

**(2) Competitive basis**

Grants made under this subsection shall be made on a competitive basis.

**(d) Priority**

In selecting among applications for grants under subsection (c) of this section, the Secretary shall give priority to proposals which emphasize—

(1) techniques and processes that relate to weather-induced agricultural losses, and to improving the advisory information on weather extremes such as drought, floods, freezes, and storms well in advance of their actual occurrence;

(2) the improvement of site-specific weather data collection and forecasting; or

(3) the impact of weather on economic and environmental costs in agricultural production.

(Pub. L. 101-624, title XVI, §1638, Nov. 28, 1990, 104 Stat. 3748; Pub. L. 102-237, title IV, §407(6), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 110-234, title VII, §751(c)(18), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §751(c)(18), June 18, 2008, 122 Stat. 1664, 2030.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**AMENDMENTS**

2008—Subsec. (b)(3), (5). Pub. L. 110-246, §751(c)(18), substituted “National Institute of Food and Agriculture” for “Cooperative State Research Service”.

1991—Subsec. (b)(5). Pub. L. 102-237 substituted “National Science Foundation” for “National Sciences Foundation”.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 751(c)(18) of Pub. L. 110-246 effective Oct. 1, 2009, see section 751(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 5853. Repealed. Pub. L. 107-171, title VII, § 7304(a), May 13, 2002, 116 Stat. 455**

Section, Pub. L. 101-624, title XVI, §1639, Nov. 28, 1990, 104 Stat. 3749; Pub. L. 102-237, title IV, §407(7), Dec. 13, 1991, 105 Stat. 1865, related to establishment of National Advisory Board on Agricultural Weather.

**§ 5854. State agricultural weather information systems**

**(a) Advisory program grants**

**(1) Grants required**

With funds allocated to carry out this section, the Secretary of Agriculture shall make grants to not fewer than 10 eligible States to plan and administer, in cooperation with persons described in paragraph (2), advisory programs for State agricultural weather information systems.

**(2) Persons described**

The persons referred to in paragraph (1) are the Director of the Agricultural Weather Office, the Director of the National Institute of Food and Agriculture, and other persons as appropriate (such as the directors of the appropriate State agricultural experiment stations and State extension programs).

**(b) Consultation**

For purposes of selecting among applications submitted by States for grants under this section, the Secretary shall consult with the Director.

**(c) Eligibility requirements**

To be eligible to receive a grant under this section, the chief executive officer of a State shall submit to the Secretary an application that contains—

(1) assurances that the State will expend such grant to plan and administer a State agricultural weather system that will—

(A) collect observational weather data throughout the State and provide such data to the National Weather Service and the Agricultural Weather Office;

(B) develop methods for packaging information received from the national system for use by agricultural producers (with State Cooperative Extension Services and the private sector to serve as the primary conduit of agricultural weather forecasts and climatic information to producers); and

(C) develop programs to educate agricultural producers on how to best use weather and climate information to improve management decisions; and

(2) such other assurances and information as the Secretary may require by rule.

(Pub. L. 101–624, title XVI, §1640, Nov. 28, 1990, 104 Stat. 3749; Pub. L. 107–171, title VII, §7304(b), May 13, 2002, 116 Stat. 455; Pub. L. 110–234, title VII, §7511(c)(19), May 22, 2008, 122 Stat. 1269; Pub. L. 110–246, §4(a), title VII, §7511(c)(19), June 18, 2008, 122 Stat. 1664, 2030.)

#### CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

#### AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110–246, §7511(c)(19), substituted “the Director of the National Institute of Food and Agriculture” for “the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service”.

2002—Subsec. (b). Pub. L. 107–171 struck out “take into consideration the recommendation of the Advisory Board on Agricultural Weather and” before “consult with the Director”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(19) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

### § 5855. Funding

#### (a) Allocation of funds

##### (1) Cooperative work

Not less than 15 percent and not more than 25 percent of the funds appropriated for a fiscal year to carry out this subchapter shall be used for cooperative work with the National Weather Service entered into under section 5852(b)(1) of this title.

##### (2) Competitive grants program

Not less than 15 percent and not more than 25 percent of such funds shall be used by the National Institute of Food and Agriculture for a competitive grants program under section 5852(c) of this title.

##### (3) Weather information systems

Not less than 25 percent and not more than 35 percent of such funds shall be divided equally between the participating States selected for that fiscal year under section 5854 of this title.

##### (4) Other purposes

The remaining funds shall be allocated for use by the Agricultural Weather Office and the National Institute of Food and Agriculture in carrying out generally the provisions of this subchapter.

#### (b) Limitations on use of funds

Funds provided under the authority of this subchapter shall not be used for the construc-

tion of facilities. Each State or agency receiving funds shall not use more than 30 percent of such funds for equipment purchases. Any use of the funds in facilitating the distribution of agricultural and climate information to producers shall be done with consideration for the role that the private meteorological sector can play in such information delivery.

#### (c) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 to carry out this subchapter for each of the fiscal years 2008 through 2012.

(Pub. L. 101–624, title XVI, §1641, Nov. 28, 1990, 104 Stat. 3750; Pub. L. 104–127, title VIII, §833, Apr. 4, 1996, 110 Stat. 1168; Pub. L. 110–234, title VII, §§7202, 7511(c)(20), May 22, 2008, 122 Stat. 1233, 1269; Pub. L. 110–246, §4(a), title VII, §§7202, 7511(c)(20), June 18, 2008, 122 Stat. 1664, 1994, 2030.)

#### CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

#### AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110–246, §7511(c)(20)(A), substituted “National Institute of Food and Agriculture” for “Cooperative State Research Service”.

Subsec. (a)(4). Pub. L. 110–246, §7511(c)(20)(B), substituted “National Institute of Food and Agriculture” for “Extension Service”.

Subsec. (c). Pub. L. 110–246, §7202, substituted “2008 through 2012” for “1991 through 1997”.

1996—Subsec. (c). Pub. L. 104–127 substituted “1997” for “1995”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(20) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

### SUBCHAPTER IV—RESEARCH REGARDING PRODUCTION, PREPARATION, PROCESSING, HANDLING, AND STORAGE OF AGRICULTURAL PRODUCTS

#### §§ 5871 to 5874. Repealed. Pub. L. 104–127, title VIII, § 861, Apr. 4, 1996, 110 Stat. 1174

Section 5871, Pub. L. 101–624, title XVI, §1644, Nov. 28, 1990, 104 Stat. 3751, provided for establishment of research and grant program.

Section 5872, Pub. L. 101–624, title XVI, §1645, Nov. 28, 1990, 104 Stat. 3752, related to advisory committee and grant process.

Section 5873, Pub. L. 101–624, title XVI, §1646, Nov. 28, 1990, 104 Stat. 3753, provided for reports to Congress.

Section 5874, Pub. L. 101–624, title XVI, §1647, Nov. 28, 1990, 104 Stat. 3754, provided for appropriations for research and grant program.

### SUBCHAPTER V—PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM

#### §§ 5881 to 5885. Repealed. Pub. L. 104–127, title VIII, § 862(a), Apr. 4, 1996, 110 Stat. 1174

Section 5881, Pub. L. 101–624, title XVI, §1650, Nov. 28, 1990, 104 Stat. 3754, related to plant and animal pest and disease control program.



Section 5882, Pub. L. 101-624, title XVI, § 1651, Nov. 28, 1990, 104 Stat. 3754, related to pest and disease control data base and pesticide resistance monitoring.

Section 5883, Pub. L. 101-624, title XVI, § 1652, Nov. 28, 1990, 104 Stat. 3755; Pub. L. 102-237, title IV, § 407(8), Dec. 13, 1991, 105 Stat. 1865, related to research on control and eradication of exotic pests.

Section 5884, Pub. L. 101-624, title XVI, § 1653, Nov. 28, 1990, 104 Stat. 3755, provided for study of biology and behavior of chinch bugs.

Section 5885, Pub. L. 101-624, title XVI, § 1654, Nov. 28, 1990, 104 Stat. 3756, authorized appropriations for plant, pest, and disease control program.

#### SUBCHAPTER VI—ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

#### §§ 5901 to 5909. Repealed. Pub. L. 107-171, title VI, § 6201(a), May 13, 2002, 116 Stat. 418

Section 5901, Pub. L. 101-624, title XVI, § 1657, Nov. 28, 1990, 104 Stat. 3756; Pub. L. 104-127, title VII, § 721, Apr. 4, 1996, 110 Stat. 1112, provided that this subchapter may be cited as the “Alternative Agricultural Research and Commercialization Act of 1990” and specified purpose of and definitions relating to this subchapter.

Section 5902, Pub. L. 101-624, title XVI, § 1658, Nov. 28, 1990, 104 Stat. 3757; Pub. L. 102-237, title IV, § 405(a), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104-127, title VII, § 722(a), Apr. 4, 1996, 110 Stat. 1113, created the Alternative Agricultural Research and Commercialization Corporation.

Section 5903, Pub. L. 101-624, title XVI, § 1659, Nov. 28, 1990, 104 Stat. 3759; Pub. L. 104-127, title VII, § 723(a), Apr. 4, 1996, 110 Stat. 1115, related to board of directors, employees, and facilities.

Section 5904, Pub. L. 101-624, title XVI, § 1660, Nov. 28, 1990, 104 Stat. 3761; Pub. L. 104-127, title VII, § 724, Apr. 4, 1996, 110 Stat. 1119, related to research and development grants, contracts, and agreements.

Section 5905, Pub. L. 101-624, title XVI, § 1661, Nov. 28, 1990, 104 Stat. 3762; Pub. L. 104-127, title VII, § 725, Apr. 4, 1996, 110 Stat. 1119, related to commercialization assistance.

Section 5906, Pub. L. 101-624, title XVI, § 1662, Nov. 28, 1990, 104 Stat. 3764; Pub. L. 104-127, title VII, § 726, Apr. 4, 1996, 110 Stat. 1119, related to general rules regarding provision of assistance.

Section 5907, Pub. L. 101-624, title XVI, § 1663, Nov. 28, 1990, 104 Stat. 3765; Pub. L. 102-237, title IV, § 405(b), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104-127, title VII, § 727, Apr. 4, 1996, 110 Stat. 1119, related to Regional Centers.

Section 5908, Pub. L. 101-624, title XVI, § 1664, Nov. 28, 1990, 104 Stat. 3766; Pub. L. 104-127, title VII, § 728, Apr. 4, 1996, 110 Stat. 1120, related to the Alternative Agricultural Research and Commercialization Revolving Fund.

Section 5909, Pub. L. 101-624, title XVI, § 1665, as added Pub. L. 104-127, title VII, § 729, Apr. 4, 1996, 110 Stat. 1121, related to procurement of alternative agricultural research and commercialization products.

#### DISPOSITION AND USE OF ASSETS

Pub. L. 107-171, title VI, § 6201(b), (c), May 13, 2002, 116 Stat. 418, 419, provided that:

“(b) DISPOSITION OF ASSETS.—On the date of enactment of this Act [May 13, 2002]—

“(1) the assets, both tangible and intangible, of the Alternative Agricultural Research and Commercialization Corporation (referred to in this section as the ‘Corporation’), including the funds in the Alternative Agricultural Research and Commercialization Revolving Fund as of the date of enactment of this Act, are transferred to the Secretary of Agriculture; and

“(2) notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) [now chapters 1 to 11 of Title 40, Public Buildings, Property, and Works and title III of the Act of

June 30, 1949 (41 U.S.C. 251 et seq.)] and any other law that prescribes procedures for procurement, use, and disposal of property by a Federal agency, the Secretary shall have authority to manage and dispose of the assets transferred under paragraph (1) in a manner that, to the maximum extent practicable, provides the best value to the Federal Government.

“(c) USE OF ASSETS.—

“(1) IN GENERAL.—Funds transferred under subsection (b), and any income from assets or proceeds from the sale of assets transferred under subsection (b), shall be deposited in an account in the Treasury, and shall remain available to the Secretary until expended, without further appropriation, to pay—

“(A) any claims against, or obligations of, the Corporation; and

“(B) the costs incurred by the Secretary in carrying out this section.

“(2) FINAL DISPOSITION.—On final disposition of all assets transferred under subsection (b), any funds remaining in the account described in paragraph (1) shall be transferred into miscellaneous receipts in the Treasury.”

#### BUSINESS PLAN AND FEASIBILITY STUDY AND REPORT

Pub. L. 104-127, title VII, § 730, Apr. 4, 1996, 110 Stat. 1122, provided for a business plan for, and a feasibility study and report on, the Alternative Agricultural Research and Commercialization Corporation, prior to repeal by Pub. L. 107-171, title VI, § 6201(d)(2), May 13, 2002, 116 Stat. 419.

#### SUBCHAPTER VII—MISCELLANEOUS RESEARCH PROVISIONS

#### § 5921. Biotechnology risk assessment research

##### (a) Purpose

It is the purpose of this section—

(1) to authorize and support environmental assessment research to help identify and analyze environmental effects of biotechnology; and

(2) to authorize research to help regulators develop long-term policies concerning the introduction of such technology.

##### (b) Grant program

The Secretary of Agriculture shall establish a grant program within the National Institute of Food and Agriculture and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered animals, plants, and microorganisms into the environment.

##### (c) Research priorities

The following types of research shall be given priority for funding:

(1) Research designed to identify and develop appropriate management practices to minimize physical and biological risks associated with genetically engineered animals, plants, and microorganisms.

(2) Research designed to develop methods to monitor the dispersal of genetically engineered animals, plants, and microorganisms.

(3) Research designed to further existing knowledge with respect to the characteristics, rates, and methods of gene transfer that may occur between genetically engineered animals, plants, and microorganisms and related wild and agricultural organisms.

(4) Environmental assessment research designed to provide analysis which compares the

relative impacts of animals, plants, and micro-organisms modified through genetic engineering to other types of production systems.

(5) Other areas of research designed to further the purposes of this section.

**(d) Eligibility requirements**

Grants under this section shall be—

(1) made on the basis of the quality of the proposed research project; and

(2) available to any public or private research or educational institution or organization.

**(e) Consultation**

In considering specific areas of research for funding under this section, the Secretary of Agriculture shall consult with the Administrator of the Animal and Plant Health Inspection Service and the National Agricultural Research, Extension, Education, and Economics Advisory Board.

**(f) Program coordination**

The Secretary of Agriculture shall coordinate research funded under this section with the Office of Research and Development of the Environmental Protection Agency in order to avoid duplication of research activities.

**(g) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated such sums as necessary to carry out this section.

**(2) Withholdings from biotechnology outlays**

The Secretary of Agriculture shall withhold from outlays of the Department of Agriculture for research on biotechnology, as defined and determined by the Secretary, at least 2 percent of such amount for the purpose of making grants under this section for research on biotechnology risk assessment.

**(3) Application of funds**

Funds made available under this subsection shall be applied, to the maximum extent practicable, to risk assessment research on all categories identified in subsection (c) of this section.

(Pub. L. 101-624, title XVI, §1668, Nov. 28, 1990, 104 Stat. 3767; Pub. L. 102-237, title IV, §407(9), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 107-171, title VII, §7210, May 13, 2002, 116 Stat. 446; Pub. L. 110-234, title VII, §7511(c)(21), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §7511(c)(21), June 18, 2008, 122 Stat. 1664, 2031.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**AMENDMENTS**

2008—Subsec. (b). Pub. L. 110-246, §7511(c)(21), substituted “National Institute of Food and Agriculture” for “Cooperative State Research, Education, and Extension Service”.

2002—Pub. L. 107-171 reenacted section catchline and amended text generally, substituting substantially similar provisions in subsecs. (a), (b), and (d) to (g), and substituting in subsec. (c), provisions relating to research priorities for provisions relating to types of research.

1991—Subsec. (g)(2). Pub. L. 102-237 substituted “Withholdings” for “Withholdings” in heading.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(21) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 5921a. Repealed. Pub. L. 110-234, title VII, § 7411, May 22, 2008, 122 Stat. 1255, and Pub. L. 110-246, § 4(a), title VII, § 7411, June 18, 2008, 122 Stat. 1664, 2017**

Section, Pub. L. 107-171, title X, §10802, May 13, 2002, 116 Stat. 525, related to public information campaign regarding use of biotechnology in producing food for human consumption.

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

**EFFECTIVE DATE OF REPEAL**

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 5922. Repealed. Pub. L. 107-171, title X, § 10705(b), May 13, 2002, 116 Stat. 519**

Section, Pub. L. 101-624, title XVI, §1669, Nov. 28, 1990, 104 Stat. 3768, related to Graduate School of Department of Agriculture.

**EFFECTIVE DATE OF REPEAL**

Repeal of section effective Oct. 1, 2002, see section 10705(c) of Pub. L. 107-171, set out as an Effective Date of 2002 Amendment note under section 2279b of this title.

**§ 5923. Rural electronic commerce extension program**

**(a) Definitions**

In this section:

**(1) Development center**

The term “development center” means—

(A) the North Central Regional Center for Rural Development;

(B) the Northeast Regional Center for Rural Development or its designee;

(C) the Southern Rural Development Center; and

(D) the Western Rural Development Center or its designee.

**(2) Extension program**

The term “extension program” means the rural electronic commerce extension program established under subsection (b) of this section.

**(3) Microenterprise**

The term “microenterprise” means a commercial enterprise that has 5 or fewer employees, 1 or more of whom own the enterprise.

**(4) Secretary**

The term “Secretary” means the Secretary of Agriculture, acting through the Director of

the National Institute of Food and Agriculture.

**(5) Small business**

The term “small business” has the meaning given the term “small-business concern” by section 632(a) of title 15.

**(b) Establishment**

The Secretary shall establish a rural electronic commerce extension program to expand and enhance electronic commerce practices and technology to be used by small businesses and microenterprises in rural areas.

**(c) Grants**

**(1) In general**

The Secretary shall carry out the program established under subsection (b) of this section by making—

(A) grants to each of the development centers; and

(B) competitive grants to land-grant colleges and universities (or consortia of land-grant colleges and universities) and to colleges and universities (including community colleges) with agricultural or rural development programs—

(i) to develop and facilitate innovative rural electronic commerce business strategies; and

(ii) to assist small businesses and microenterprises in identifying, adapting, implementing, and using electronic commerce business practices and technologies.

**(2) Eligibility**

The selection criteria established for grants awarded under paragraph (1)(B) shall include—

(A) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small businesses and microenterprises;

(B) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

(C) in the case of a land-grant college or university, the extent of participation of the land-grant college or university in the extension program (including any economic benefits that would result from that participation);

(D) the percentage of funding and in-kind commitments from non-Federal sources that would be needed by and available for a proposed project or activity under the extension program; and

(E) the extent of participation of low-income and minority businesses or microenterprises in a proposed project or activity under the extension program.

**(3) Non-Federal share**

**(A) In general**

As a condition of the receipt of funds under this section, a development center or grant applicant shall agree to obtain from non-Federal sources (including State, local, nonprofit, or private sector sources) contributions of an amount equal to 50 percent of the grant amount.

**(B) Form**

The non-Federal share required under subparagraph (A) may be provided in the form of in-kind contributions.

**(C) Exception**

The non-Federal share required under subparagraph (A) may be reduced to 25 percent if the grant recipient serves low-income or minority-owned businesses or microenterprises, as determined by the Secretary.

**(d) Report**

Not later than 2 years after May 13, 2002, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1)<sup>1</sup> the policies, practices, and procedures used to assist rural communities in efforts to adopt and use electronic commerce techniques; and

**(e) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2002 through 2007, of which not less than  $\frac{1}{3}$  of the amount made available for each fiscal year shall be used to carry out activities under subsection (c)(1)(A) of this section.

(Pub. L. 101-624, title XVI, §1670, as added Pub. L. 107-171, title VI, §6202, May 13, 2002, 116 Stat. 419; amended Pub. L. 110-234, title VII, §7511(c)(22), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §7511(c)(22), June 18, 2008, 122 Stat. 1664, 2031.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**PRIOR PROVISIONS**

A prior section 5923, Pub. L. 101-624, title XVI, §1670, Nov. 28, 1990, 104 Stat. 3769; Pub. L. 102-237, title IV, §407(10), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 104-127, title VIII, §834, Apr. 4, 1996, 110 Stat. 1169, authorized establishment of livestock product safety and inspection program, prior to repeal by Pub. L. 105-185, title III, §302(c), June 23, 1998, 112 Stat. 563.

**AMENDMENTS**

2008—Subsec. (a)(4). Pub. L. 110-246, §7511(c)(22), substituted “Director of the National Institute of Food and Agriculture” for “Administrator of the Cooperative State Research, Education, and Extension Service”.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(22) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 5924. Agricultural Genome Initiative**

**(a) Goals**

The goals of this section are—

<sup>1</sup> So in original. No par. (2) has been enacted.

(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in genomics of agriculturally important species;

(2) to focus on the species that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in agriculturally important species;

(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

(5) to encourage Federal Government participants to maximize the utility of public and private partnerships for agricultural genome research;

(6) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

(7) to encourage international partnerships with each partner country responsible for financing its own strategy for agricultural genome research.

#### (b) Duties of Secretary

The Secretary of Agriculture (referred to in this section as the “Secretary”) shall conduct a research initiative (to be known as the “Agricultural Genome Initiative”) for the purpose of—

(1) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

(2) ensuring that current gaps in existing agricultural genetics knowledge are filled;

(3) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal pathogens and diseases causing economic hardship;

(4) ensuring future genetic improvement of agriculturally important species;

(5) supporting preservation of diverse germplasm;

(6) ensuring preservation of biodiversity to maintain access to genes that may be of importance in the future;

(7) reducing the economic impact of plant pathogens on commercially important crop plants; and

(8) otherwise carrying out this section.

#### (c) Grants and cooperative agreements

##### (1) Authority

The Secretary may make grants or enter into cooperative agreements with individuals and organizations in accordance with section 3318 of this title.

##### (2) Competitive basis

A grant or cooperative agreement under this subsection shall be made or entered into on a competitive basis.

#### (d) Administration

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to the making of a grant or cooperative agreement under this section.

#### (e) Matching of funds

##### (1) General requirement

If a grant or cooperative agreement under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient to provide funds or in-kind support to match the amount of funds provided by the Secretary under the grant or cooperative agreement.

##### (2) Waiver

The Secretary may waive the matching funds requirement of paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the recipient is unable to satisfy the matching funds requirement.

#### (f) Consultation with National Academy of Sciences

The Secretary may use funds made available under this section to consult with the National Academy of Sciences regarding the administration of the Agricultural Genome Initiative.

(Pub. L. 101-624, title XVI, §1671, Nov. 28, 1990, 104 Stat. 3769; Pub. L. 104-66, title I, §1011(s), Dec. 21, 1995, 109 Stat. 710; Pub. L. 104-127, title VIII, §835, Apr. 4, 1996, 110 Stat. 1169; Pub. L. 105-185, title II, §241, June 23, 1998, 112 Stat. 547; Pub. L. 107-171, title VII, §7208(a), May 13, 2002, 116 Stat. 442; Pub. L. 110-234, title VII, §7406(d)(2), May 22, 2008, 122 Stat. 1252; Pub. L. 110-246, §4(a), title VII, §7406(d)(2), June 18, 2008, 122 Stat. 1664, 2013.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (d). Pub. L. 110-246, §7406(d)(2), substituted “Paragraphs (4), (7), (8), and (11)(B)” for “Paragraphs (1), (6), (7), and (11)”.

2002—Subsec. (b)(3). Pub. L. 107-171, §7208(a)(1), inserted “pathogens and” before “diseases causing economic hardship”.

Subsec. (b)(7), (8). Pub. L. 107-171, §7208(a)(2)–(4), added par. (7) and redesignated former par. (7) as (8).

1998—Pub. L. 105-185 amended section catchline and text generally, substituting present provisions for provisions which in subsec. (a) required plant genome mapping program, in subsec. (b) authorized competitive grants for research projects, in subsec. (c) described research areas for projects, in subsec. (d) set forth deadline for submission of plan for awarding grants, in subsec. (e) directed coordination of section activities with certain related activities, in subsec. (f) required protection of proprietary interests when considered to be appropriate, and in subsec. (g) authorized appropriations for fiscal years 1996 and 1997 to carry out this section.

1996—Subsec. (g). Pub. L. 104-127 inserted “for fiscal years 1996 and 1997” after “appropriated”.

1995—Subsecs. (g), (h). Pub. L. 104-66 redesignated subsec. (h) as (g) and struck out former subsec. (g) which required Secretary to submit annual reports to Congress describing operations of grant program for plant genome mapping.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-246, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7406(d)(2) of Pub. L. 110-246 inapplicable to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before June 18, 2008, see section 7406(c) of Pub. L. 110-246, set out as a note under section 450i of this title.

### § 5925. High-priority research and extension initiatives

#### (a) Competitive specialized research and extension grants authorized

The Secretary of Agriculture (referred to in this section as the “Secretary”) may make competitive grants to support research and extension activities specified in subsections (e) through (i) of this section. The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

#### (b) Administration

##### (1) In general

Except as otherwise provided in this section, paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

##### (2) Use of task forces

To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsections (e) through (i) of this section, the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with each task force established under this paragraph.

#### (c) Matching funds required

##### (1) In general

The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

##### (2) Waiver authority

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically im-

portant research, and the grant recipient is unable to satisfy the matching funds requirement.

#### (d) Partnerships encouraged

Following the completion of a peer review process for grant proposals received under this section, the Secretary shall provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

#### (e) High-priority research and extension areas

##### (1) Ethanol research and extension

Research and extension grants may be made under this section for the purpose of carrying out or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

##### (2) Aflatoxin research and extension

Research and extension grants may be made under this section for the purpose of identifying, improving, and eventually commercializing, aflatoxin controls in corn and other affected agricultural products and crops.

##### (3) Prickly pear research and extension

Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

##### (4) Deer tick ecology research and extension

Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests that transmit Lyme disease.

##### (5) Peanut market enhancement research and extension

Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

##### (6) Dairy financial risk management research and extension

Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

##### (7) Cotton research and extension

Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

##### (8) Methyl bromide research and extension

Research and extension grants may be made under this section for the purpose of—

(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

(B) transferring the results of the research for use by agricultural producers.

**(9) Potato research and extension**

Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes that are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

**(10) Wood use research and extension**

Research and extension grants may be made under this section for the purpose of developing new uses for wood from underused tree species as well as investigating methods of modifying wood and wood fibers to produce better building materials.

**(11) Wetlands use research and extension**

Research and extension grants may be made under this section for the purpose of better use of wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

**(12) Food safety, including pathogen detection and limitation, research and extension**

Research and extension grants may be made under this section for the purpose of increasing food safety, including the identification of advanced detection and processing methods to limit the presence of pathogens (including hepatitis A and *E. coli* 0157:H7) in domestic and imported foods.

**(13) Financial risk management research and extension**

Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

**(14) Ornamental tropical fish research and extension**

Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

**(15) Gypsy moth research and extension**

Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including *Lymantria dispar* (commonly known as the “gypsy moth”), that contribute to significant agricultural, economic, or environmental harm.

**(16) Tomato spotted wilt virus research and extension**

Research and extension grants may be made under this section for the purpose of control, management, and eradication of tomato spotted wilt virus.

**(17) Genetically modified agriculture products (GMAP) research**

Research grants may be made under this section for the purposes of providing unbiased, science-based evaluation of the risks and benefits to the public and the environment of specific genetically modified plant and animal products. Grants may be used to form interdisciplinary teams to review and conduct research on scientific, social, economic, and ethical issues during the review process, to answer questions raised by the release of new genetically modified agriculture products, to conduct fundamental studies on the health and environmental safety of genetically modified agriculture products (including quantitative risk assessment, the effect of specific genetically modified agriculture products on human health, and gene flow studies), to communicate the risk of genetically modified agriculture products through extension and education programs, and to engage the public and industry in relevant issues.

**(18) Land use management research and extension**

Research and extension grants may be made under this section for the purposes of evaluating the environmental benefits of land use management tools such as those provided in the Farmland Protection Program.

**(19) Water and air quality research and extension**

Research and extension grants may be made under this section for the purpose of better understanding agricultural impacts to air and water quality and means to address them.

**(20) Revenue and insurance tools research and extension**

Research and extension grants may be made under this section for the purposes of better understanding the impact of revenue and insurance tools on farm income.

**(21) Agrotourism research and extension**

Research and extension grants may be made under this section for the purpose of better understanding the economic, environmental, and food systems impacts of agrotourism.

**(22) Nitrogen-fixation by plants**

Research and extension grants may be made under this section for the purpose of enhancing the nitrogen-fixing ability and efficiency of legumes, developing new varieties of legumes that fix nitrogen more efficiently, and developing new varieties of other commercially important crops that potentially are able to fix nitrogen.

**(23) Environment and private lands research and extension**

Research and extension grants may be made under this section for the purpose of researching the use of computer models to aid in assessment of best management practices on a watershed basis, working with government, industry, and private landowners to help craft industry-led solutions to identified environmental issues, researching and monitoring water, air, or soil environmental quality to

aid in the development of new approaches to local environmental concerns, and working with local, State, and federal officials to help craft effective environmental solutions that respect private property rights and agricultural production realities.

**(24) Livestock disease research and extension**

Research and extension grants may be made under this section for the purpose of identifying possible livestock disease threats, educating the public regarding livestock disease threats, training persons to deal with such threats, and conducting related research.

**(25) Plant gene expression**

Research grants may be made under this section for the purpose of plant gene expression research to accelerate the application of basic plant genomic science to the development and testing of new varieties of enhanced food crops, crops that can be used as renewable energy sources, and other alternative uses of agricultural crops.

**(26) Animal infectious diseases research**

Research and extension grants may be made under this section for the purpose of developing prevention and control methodologies for animal infectious diseases (including evaluation under field conditions in countries in which an animal disease occurs) such as laboratory tests for quicker detection of infected animals and presence of disease, prevention strategies (including vaccination programs), and rapid diagnostic techniques for animal disease agents considered to be risks for agricultural bioterrorism attack.

**(27) Program to combat childhood obesity**

Research and extension grants may be made under this section to institutions of higher education with demonstrated capacity in basic and clinical obesity research, nutrition research, and community health education research to develop and evaluate community-wide strategies that catalyze partnerships between families and health care, education, recreation, mass media, and other community resources to reduce the incidence of childhood obesity.

**(28) Integrated pest management**

Research and extension grants may be made under this section to coordinate and improve research, education, and outreach on, and implementation on farms of, integrated pest management.

**(29) Sugarcane genetics**

Research grants may be made under this section for the purpose of maintaining acceptable yields under reduced production inputs, implementing marker-assisted breeding strategies and other basic plant genomic technologies to screen for improved plant resistance to diseases, weeds, and insects toward minimizing pesticide use, enhancing food, fiber and energy production, and developing varieties for maximum performance under prevailing conditions, including management for improved soil and water conservation.

**(30) Air emissions from livestock operations**

Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

**(31) Swine genome project**

Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.

**(32) Cattle fever tick program**

Research and extension grants may be made under this section to study cattle fever ticks to facilitate understanding of the role of wild-life in the persistence and spread of cattle fever ticks, to develop advanced methods for eradication of cattle fever ticks, and to improve management of diseases relating to cattle fever ticks that are associated with wild-life, livestock, and human health.

**(33) Synthetic gypsum**

Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

**(34) Cranberry research program**

Research and extension grants may be made under this section to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

**(35) Sorghum research initiative**

Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental benefits of sorghum production, and promote water conservation through the use of sorghum.

**(36) Marine shrimp farming program**

Research and extension grants may be made under this section to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

**(37) Turfgrass research initiative**

Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

**(38) Agricultural worker safety research initiative**

Research and extension grants may be made under this section—

(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and operators, pesticide handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to pesticides; and

(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe field re-entry intervals.

**(39) High plains aquifer region**

Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

**(40) Deer initiative**

Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

**(41) Pasture-based beef systems research initiative**

Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems, to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability of pasture-finished beef, and to assess the effect of forage quality on reproductive fitness.

**(42) Agricultural practices relating to climate change**

Research and extension grants may be made under this section for field and laboratory studies that examine the ecosystem from gross to minute scales and for projects that explore the relationship of agricultural practices to climate change.

**(43) Brucellosis control and eradication**

Research and extension grants may be made under this section to conduct research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

**(44) Bighorn and domestic sheep disease mechanisms**

Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

**(45) Agricultural development in the American-Pacific region**

Research and extension grants may be made under this section to support food and agricultural science at a consortium of land-grant institutions in the American-Pacific region.

**(46) Tropical and subtropical agricultural research**

Research grants may be made under this section, in equal dollar amounts to the Caribbean and Pacific Basins, to support tropical and subtropical agricultural research, including pest and disease research, at the land-grant in-

stitutions in the Caribbean and Pacific regions.

**(47) Viral hemorrhagic septicemia**

Research and extension grants may be made under this section to study—

(A) the effects of viral hemorrhagic septicemia (referred to in this paragraph as “VHS”) on freshwater fish throughout the natural and expanding range of VHS; and

(B) methods for transmission and human-mediated transport of VHS among waterbodies.

**(48) Farm and ranch safety**

Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

(A) on-site farm or ranch safety reviews;

(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; and

(C) agricultural safety education and training.

**(49) Women and minorities in stem fields**

Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

**(50) Alfalfa and forage research program**

Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

**(51) Food systems veterinary medicine**

Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the environment, and to improve information resources, curriculum, and clinical education of students with respect to food animal veterinary medicine and food safety.

**(52) Biochar research**

Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of co-production with bioenergy, and the value of soil enhancements and soil carbon sequestration.

**(f) Imported fire ant control, management, and eradication**

**(1) Task force**

The Secretary shall establish a task force pursuant to subsection (b)(2) of this section regarding the control, management, and eradication of imported fire ants. The Secretary shall solicit and evaluate grant proposals



under this subsection in consultation with the task force.

**(2) Initial grants**

**(A) Request for proposals**

The Secretary shall publish a request for proposals for grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

**(B) Selection**

Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate the grant proposals submitted in response to the request and may select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants to receive an initial grant under this subsection.

**(3) Subsequent grants**

**(A) Evaluation of initial grants**

If the Secretary awards grants under paragraph (2)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

**(B) Selection**

On the basis of the evaluation under subparagraph (A), the Secretary may select the projects that the Secretary considers most promising for additional research or demonstration related to preparation of a national plan for the control, management, and possible eradication of imported fire ants. The Secretary shall notify the task force of the projects selected under this subparagraph.

**(4) Selection and submission of national plan**

**(A) Evaluation of subsequent grants**

If the Secretary awards grants under paragraph (3)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

**(B) Selection**

On the basis of the evaluation under subparagraph (A), the Secretary shall select 1 project funded under paragraph (3)(B), or a combination of those projects, for award of a grant for final preparation of the national plan.

**(C) Submission**

The Secretary shall submit to Congress the final national plan prepared under subparagraph (B) for the control, management, and possible eradication of imported fire ants.

**(g) Formosan termite research and eradication**

**(1) Research program**

The Secretary may make competitive research grants under this subsection to regional and multijurisdictional entities, local government planning organizations, and local governments for the purpose of conducting research for the control, management, and possible eradication of Formosan termites in the United States.

**(2) Eradication program**

The Secretary may enter into cooperative agreements with regional and multijurisdictional entities, local government planning organizations, and local governments for the purposes of—

- (A) conducting projects for the control, management, and possible eradication of Formosan termites in the United States; and
- (B) collecting data on the effectiveness of the projects.

**(3) Funding priority**

In allocating funds made available to carry out paragraph (2), the Secretary shall provide a higher priority for regions or locations with the highest historical rates of infestation of Formosan termites.

**(4) Management coordination**

The program management of research grants, cooperative agreements, and projects under this subsection shall be conducted under existing authority in coordination with the national formosan<sup>1</sup> termite management and research demonstration program conducted by the Agricultural Research Service.

**(h) Pollinator protection**

**(1) Research and extension**

**(A) Grants**

Research and extension grants may be made under this section—

- (i) to survey and collect data on bee colony production and health;
- (ii) to investigate pollinator biology, immunology, ecology, genomics, and bioinformatics;

(iii) to conduct research on various factors that may be contributing to or associated with colony collapse disorder, and other serious threats to the health of honey bees and other pollinators, including—

(I) parasites and pathogens of pollinators; and

(II) the sublethal effects of insecticides, herbicides, and fungicides on honey bees and native and managed pollinators;

(iv) to develop mitigative and preventative measures to improve native and managed pollinator health; and

(v) to promote the health of honey bees and native pollinators through habitat conservation and best management practices.

<sup>1</sup> So in original. Probably should be capitalized.

**(B) Authorization of appropriations**

There is authorized to be appropriated to carry out this paragraph \$10,000,000 for each of fiscal years 2008 through 2012.

**(2) Department of Agriculture capacity and infrastructure****(A) In general**

The Secretary shall, to the maximum extent practicable, increase the capacity and infrastructure of the Department—

(i) to address colony collapse disorder and other long-term threats to pollinator health, including the hiring of additional personnel; and

(ii) to conduct research on colony collapse disorder and other pollinator issues at the facilities of the Department.

**(B) Authorization of appropriations**

There is authorized to be appropriated to carry out this paragraph \$7,250,000 for each of fiscal years 2008 through 2012.

**(3) Honey bee pest and pathogen surveillance**

There is authorized to be appropriated to conduct a nationwide honey bee pest and pathogen surveillance program \$2,750,000 for each of fiscal years 2008 through 2012.

**(4) Annual report on response to honey bee colony collapse disorder**

The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the progress made by the Department of Agriculture in—

(A) investigating the cause or causes of honey bee colony collapse; and

(B) finding appropriate strategies to reduce colony loss.

**(i) Regional centers of excellence****(1) Establishment**

The Secretary shall prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding under this section.

**(2) Composition**

A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 3103 of this title)) that provide financial support to the regional center of excellence.

**(3) Criteria for regional centers of excellence**

The criteria for consideration to be a regional center of excellence shall include efforts—

(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine).

**(j) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.

(Pub. L. 101-624, title XVI, §1672, Nov. 28, 1990, 104 Stat. 3770; Pub. L. 102-237, title IV, §§406, 407(11), Dec. 13, 1991, 105 Stat. 1864, 1865; Pub. L. 104-127, title VIII, §§836, 863, 888, Apr. 4, 1996, 110 Stat. 1169, 1174, 1180; Pub. L. 105-185, title II, §242, June 23, 1998, 112 Stat. 549; Pub. L. 107-171, title VII, §§7119, 7208(b), May 13, 2002, 116 Stat. 434, 442; Pub. L. 108-465, title III, §302, Dec. 21, 2004, 118 Stat. 3885; Pub. L. 110-234, title VII, §§7203, 7204, May 22, 2008, 122 Stat. 1233; Pub. L. 110-246, §4(a), title VII, §§7203, 7204, June 18, 2008, 122 Stat. 1664, 1994.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**AMENDMENTS**

2008—Subsec. (a). Pub. L. 110-246, §7204(b)(1), substituted “subsections (e) through (i)” for “subsections (e), (f), and (g)” in first sentence.

Subsec. (b)(1). Pub. L. 110-246, §7204(b)(2)(A), substituted “paragraphs (4), (7), (8), and (11)(B)” for “paragraphs (1), (6), (7), and (11)”.

Subsec. (b)(2). Pub. L. 110-246, §7204(b)(2)(B), substituted “subsections (e) through (i)” for “subsection (e)”.

Subsec. (d). Pub. L. 110-246, §7203, substituted “shall” for “may”.

Subsec. (e). Pub. L. 110-246, §7204(a)(1)(B)–(D), redesignated pars. (2), (3), (5), (6), (9) to (14), (16), (18) to (20), (22), (24), (25), (28) to (31), (33), (35) to (40), and (44) as (1) to (29), respectively, added pars. (30) to (52), and struck out former pars. (1), (4), (7), (8), (15), (17), (21), (23), (26), (27), (32), (34), (41) to (43), and (45), which related to research on the brown citrus aphid and the citrus tristeza virus, uses of mesquite, red meat safety, sorghum ergot eradication, development of the low-bush blueberry, wild pampas grass control, genetic aspects of scrapie in sheep, forestry, wind erosion, crop loss models, harvesting productivity for fruits and vegetables, agricultural marketing, beef cattle genetics, ingestion of dairy pipeline cleaner, genetic resource conservation, and improvement of specialty crop production, respectively.

Subsec. (e)(3). Pub. L. 110-246, §7204(a)(1)(A), substituted “, improving, and eventually commercializing, aflatoxin controls in corn and other affected agricultural products and crops” for “and controlling aflatoxin in the food and feed chains”.

Subsecs. (h) to (j). Pub. L. 110-246, §7204(a)(2)–(4), added subsecs. (h) and (i), redesignated former subsec. (h) as (j), and substituted “2012” for “2007” in subsec. (j).

2004—Subsec. (e)(45). Pub. L. 108-465 added par. (45).

2002—Subsec. (e)(25) to (44). Pub. L. 107-171, §7208(b), added pars. (25) to (44).

Subsec. (h). Pub. L. 107-171, § 7119, substituted “2007” for “2002”.

1998—Pub. L. 105-185 amended section catchline and text generally, substituting present provisions for provisions which in subsecs. (a) to (f) which authorized specialized research programs relating to, respectively, brown citrus aphid and citrus tristeza virus, ethanol, aflatoxin, mesquite, prickly pear, and deer tick ecology and related research, and for provisions in subsec. (g) subjecting research to peer review, setting limitation on use of funds, and providing for general eligibility to participate in programs.

1996—Subsec. (a). Pub. L. 104-127, §§ 863(1), 888, added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “The Secretary of Agriculture is encouraged to fund research for the development of technology which will ascertain the lean content of animal carcasses to be used for human consumption.”

Subsecs. (d)(4), (e)(4). Pub. L. 104-127, § 836, substituted “1997” for “1995”.

Subsec. (f). Pub. L. 104-127, § 863, redesignated subsec. (i) as (f) and struck out heading and text of former subsec. (f). Text read as follows:

“(1) RESEARCH REQUIRED.—The Secretary of Agriculture shall establish and carry out a program to make grants to colleges and universities for research relating to immunoassay used—

“(A) to detect agricultural pesticide residues on agricultural commodities for human consumption; and

“(B) to diagnose animal and plant diseases.

“(2) PREFERENCE.—In making grants under this subsection, the Secretary may give preference to those colleges and universities that, as of November 28, 1990, are conducting research described in this subsection.”

Subsec. (g). Pub. L. 104-127, § 863, redesignated subsec. (k) as (g) and struck out heading and text of former subsec. (g). Text read as follows: “The Secretary shall make research and extension grants available for the development of agricultural production and marketing systems that will service niche markets located in nearby metropolitan areas. In awarding such grants, the Secretary shall pay particular attention to areas—

“(1) with a high concentration of small farm operations; and

“(2) that experience difficulty in delivering products to market due to geographic isolation.”

Subsec. (h). Pub. L. 104-127, § 863(1), struck out subsec. (h) which provided that Secretary of Agriculture may establish and carry out a program to conduct research on disease of scrapie in sheep and goats.

Subsec. (i). Pub. L. 104-127, §§ 836, 863(2), redesignated subsec. (i) as (f) and substituted “1997” for “1995”.

Subsec. (j). Pub. L. 104-127, § 863(1), struck out heading and text of subsec. (j). Text read as follows: “The Secretary of Agriculture may—

“(1) conduct fundamental and applied research related to the development of new commercial products derived from natural plant materials for industrial, medical, and agricultural applications; and

“(2) participate with colleges and universities, other Federal agencies, and private sector entities in conducting such research.”

Subsec. (k). Pub. L. 104-127, § 863(2), redesignated subsec. (k) as (g).

1991—Subsec. (c). Pub. L. 102-237, § 407(11), redesignated pars. (A) to (I) as (1) to (9), respectively.

Subsec. (i). Pub. L. 102-237, § 406(1), substituted “Secretary of Agriculture, acting through the Cooperative State Research Service, to make competitive grants” for “Agricultural Research Service”.

Subsec. (k)(1). Pub. L. 102-237, § 406(2), substituted “Research” for “Except for research funded under subsection (i), research”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### METHYL BROMIDE ALTERNATIVES

Pub. L. 108-465, title III, § 301, Dec. 21, 2004, 118 Stat. 3885, provided that:

“(a) PRIORITY.—The Secretary of Agriculture shall elevate the priority of current methyl bromide alternative research and extension activities and reexamine the risks and benefits of extending the phase-out deadline in effect on the date of the enactment of this Act [Dec. 21, 2004], including the estimated cost to the grower or processor associated with any alternatives proposed.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture \$5,000,000 to carry out this section.”

#### § 5925a. Nutrient management research and extension initiative

##### (a) Competitive research and extension grants authorized

The Secretary of Agriculture (referred to in this section as the “Secretary”) may make competitive grants to support research and extension activities specified in subsection (e) of this section. The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

##### (b) Administration

###### (1) In general

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

###### (2) Use of task forces

To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e) of this section, the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with each task force established under this paragraph.

##### (c) Matching funds required

###### (1) In general

The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

###### (2) Waiver authority

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

##### (d) Priority

Following the completion of a peer review process for grant proposals received under this

section, the Secretary shall give priority to those grant proposals that involve—

- (1) the cooperation of multiple entities; and
- (2) States or regions with a high concentration of livestock, dairy, or poultry operations.

**(e) Nutrient management research and extension areas**

**(1) Animal waste and odor management**

Research and extension grants may be made under this section for the purpose of—

- (A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and related air quality management and odor control;
- (B) investigating the unique microbiology of specific animal wastes, such as swine waste and dairy and beef cattle waste, to develop improved methods to effectively manage air and water quality; and
- (C) conducting information workshops to disseminate the results of the research.

**(2) Water quality and aquatic ecosystems**

Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus *Pfiesteria* and other microorganisms that are a threat to human or animal health.

**(3) Rural and urban interface**

Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

**(4) Animal feed**

Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock, while limiting risks, such as mineral bypass, associated with livestock feeding practices.

**(5) Alternative uses and renewable energy**

Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies to allow agricultural operators to make use of animal waste, such as use as fertilizer, methane digestion, composting, and other useful byproducts.

**(f) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.

(Pub. L. 101-624, title XVI, §1672A, as added Pub. L. 105-185, title II, §243, June 23, 1998, 112 Stat. 554; amended Pub. L. 107-171, title VII, §7120, May 13, 2002, 116 Stat. 434; Pub. L. 110-234, title VII, §7205, May 22, 2008, 122 Stat. 1238; Pub. L. 110-246, §4(a), title VII, §7205, June 18, 2008, 122 Stat. 1664, 1999.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**AMENDMENTS**

2008—Subsec. (b)(1). Pub. L. 110-246, §7205(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “Paragraphs (1), (6), (7), and (11) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.”

Subsec. (d). Pub. L. 110-246, §7205(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.”

Subsec. (e)(1)(B). Pub. L. 110-246, §7205(3)(A), inserted “and dairy and beef cattle waste” after “swine waste”.

Subsec. (e)(5). Pub. L. 110-246, §7205(3)(B), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies for economic use or disposal of animal waste.”

Subsecs. (f), (g). Pub. L. 110-246, §7205(4), (5), redesignated subsec. (g) as (f) and substituted “2012” for “2007”.

2002—Subsec. (g). Pub. L. 107-171 substituted “2007” for “2002”.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**STUDY OF NUTRIENT BANKING**

Pub. L. 107-171, title VII, §7411, May 13, 2002, 116 Stat. 462, provided that:

“(a) IN GENERAL.—The Secretary [of Agriculture] may conduct a study to evaluate nutrient banking for the purpose of enhancing the health and viability of watersheds in areas with large concentrations of animal producing units.

“(b) COMPONENTS.—In conducting any study under subsection (a), the Secretary shall evaluate the costs, needs, and means by which litter may be collected and distributed outside the applicable watershed to reduce potential point source and nonpoint source phosphorous pollution.

“(c) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of any study conducted under subsection (a).”

**§ 5925b. Organic agriculture research and extension initiative**

**(a) Competitive specialized research and extension grants authorized**

In consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, the Secretary of Agriculture (referred to in this section as the “Secretary”) may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purposes of—

- (1) facilitating the development of organic agriculture production, breeding, and processing methods;
- (2) evaluating the potential economic benefits to producers and processors who use organic methods;

(3) exploring international trade opportunities for organically grown and processed agricultural commodities;

(4) determining desirable traits for organic commodities;

(5) identifying marketing and policy constraints on the expansion of organic agriculture;

(6) conducting advanced on-farm research and development that emphasizes observation of, experimentation with, and innovation for working organic farms, including research relating to production and marketing and to socioeconomic conditions;

(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

(8) developing new and improved seed varieties that are particularly suited for organic agriculture.

**(b) Grant types and process, prohibition on construction**

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

**(c) Matching funds required**

**(1) In general**

The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

**(2) Waiver authority**

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

**(d) Partnerships encouraged**

Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

**(e) Funding**

On October 1, 2003, and each October 1 thereafter through October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer \$3,000,000 to the Secretary of Agriculture for this section.

**(f) Funding**

**(1) In general**

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(A) \$18,000,000 for fiscal year 2009; and

(B) \$20,000,000 for each of fiscal years 2010 through 2012.

**(2) Additional funding**

In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 101-624, title XVI, §1672B, as added Pub. L. 105-185, title II, §244, June 23, 1998, 112 Stat. 555; amended Pub. L. 107-171, title VII, §7218, May 13, 2002, 116 Stat. 449; Pub. L. 110-234, title VII, §§7206(a), 7406(d)(3), May 22, 2008, 122 Stat. 1238, 1252; Pub. L. 110-246, §4(a), title VII, §§7206(a), 7406(d)(3), June 18, 2008, 122 Stat. 1664, 1999, 2013.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**AMENDMENTS**

2008—Subsec. (a)(7), (8). Pub. L. 110-246, §7206(a)(1), added pars. (7) and (8).

Subsec. (b). Pub. L. 110-246, §7406(d)(3), substituted “Paragraphs (4), (7), (8), and (11)(B)” for “Paragraphs (1), (6), (7), and (11)”.

Subsec. (f). Pub. L. 110-246, §7206(a)(2), added subsec. (f).

2002—Subsec. (a)(1). Pub. L. 107-171, §7218(1)(A), inserted “, breeding,” after “production”.

Subsec. (a)(4) to (6). Pub. L. 107-171, §7218(1)(B)–(D), added pars. (4) to (6).

Subsec. (e). Pub. L. 107-171, §7218(2), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.”

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7406(d)(3) of Pub. L. 110-246 inapplicable to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before June 18, 2008, see section 7406(c) of Pub. L. 110-246, set out as a note under section 450i of this title.

**COORDINATION OF PROJECTS AND ACTIVITIES**

Pub. L. 110-234, title VII, §7206(b), May 22, 2008, 122 Stat. 1239, and Pub. L. 110-246, §4(a), title VII, §7206(b), June 18, 2008, 122 Stat. 1664, 2000, provided that: “In carrying out the amendment made by this section [amending this section], the Secretary [of Agriculture] shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

**REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS**

Pub. L. 107-171, title VII, §7409, May 13, 2002, 116 Stat. 461, provided that: “Not later than 1 year after funds

are made available to carry out this section, the Secretary [of Agriculture] shall submit to Congress a report that—

“(1) describes—

“(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department [of Agriculture];

“(B) the extent to which producers and handlers of organic agricultural products are surveyed for ideas for research and promotion;

“(C) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers; and

“(D) the implementation of initiatives that directly benefit organic producers and handlers; and

“(2) evaluates industry and other proposals for improving the treatment of certified organic agricultural products under Federal marketing orders, including proposals to target additional resources for research and promotion of organic products and to differentiate between certified organic and other products in new or existing volume limitations or other orderly marketing requirements.”

### **§ 5925c. Organic production and market data initiatives**

#### **(a) In general**

The Secretary shall collect and report data on the production and marketing of organic agricultural products.

#### **(b) Requirements**

In carrying out subsection (a), the Secretary shall, at a minimum—

(1) collect and distribute comprehensive reporting of prices relating to organically produced agricultural products;

(2) conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns); and

(3) develop surveys and report statistical analysis on organically produced agricultural products.

#### **(c) Report**

Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the progress that has been made in implementing this section; and

(2) identifies any additional production and marketing data needs.

#### **(d) Funding**

##### **(1) In general**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000, to remain available until expended.

##### **(2) Additional funding**

In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than \$5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(Pub. L. 107–171, title VII, § 7407, May 13, 2002, 116 Stat. 461; Pub. L. 110–234, title X, § 10302, May 22,

2008, 122 Stat. 1347; Pub. L. 110–246, § 4(a), title X, § 10302, June 18, 2008, 122 Stat. 1664, 2108.)

#### **REFERENCES IN TEXT**

The date of enactment of this subsection, referred to in subsec. (c), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

#### **CODIFICATION**

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

#### **AMENDMENTS**

2008—Pub. L. 110–246, § 10302, amended section generally. Prior to amendment, text read as follows: “The Secretary shall ensure that segregated data on the production and marketing of organic agricultural products is included in the ongoing baseline of data collection regarding agricultural production and marketing.”

#### **EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

#### **DEFINITIONS**

Secretary means the Secretary of Agriculture, see section 7401(1) of Pub. L. 107–171, set out as a note under section 3319f of this title.

### **§ 5925d. International organic research collaboration**

The Secretary, acting through the Agricultural Research Service (including the National Agricultural Library) and the Economic Research Service, shall facilitate access by research and extension professionals, farmers, and other interested persons in the United States to, and the use by those persons of, organic research conducted outside the United States.

(Pub. L. 107–171, title VII, § 7408, May 13, 2002, 116 Stat. 461.)

#### **CODIFICATION**

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

#### **DEFINITIONS**

Secretary means the Secretary of Agriculture, see section 7401(1) of Pub. L. 107–171, set out as a note under section 3319f of this title.

### **§ 5925e. Agricultural bioenergy feedstock and energy efficiency research and extension initiative**

#### **(a) Establishment and purpose**

There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the “Initiative”) for the purpose of enhancing the pro-

duction of biomass energy crops and the energy efficiency of agricultural operations.

**(b) Competitive research and extension grants authorized**

In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

**(c) Agricultural bioenergy feedstock research and extension areas**

**(1) In general**

Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biorefineries, and biomass use by—

(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

(C) leveraging the broad scientific capabilities of the Department of Agriculture and other entities in—

- (i) plant genetics and breeding;
- (ii) crop production;
- (iii) soil and water science;
- (iv) use of agricultural waste; and
- (v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

(D) supporting the dissemination of any of the research conducted under this subsection that will assist in achieving the goals of this section.

**(2) Selection criteria**

In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

(A) the capabilities and experiences of the applicant, including—

- (i) research in actual field conditions; and
- (ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices);

(C) the need for regional diversity among feedstocks;

(D) the importance of developing multi-year data relevant to the production of biomass feedstock crops;

(E) the extent to which the project involves direct participation of agricultural producers;

(F) the extent to which the project proposal includes a plan or commitment to use the biomass produced as part of the project in commercial channels; and

(G) such other factors as the Secretary may determine.

**(d) Energy-efficiency research and extension areas**

On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

- (1) improving on-farm renewable energy production;
- (2) encouraging efficient on-farm energy use;
- (3) promoting on-farm energy conservation;
- (4) making a farm or ranch energy-neutral; and
- (5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

**(e) Best practices database**

The Secretary shall develop a best-practices database that includes information, to be available to the public, on—

- (1) the production potential of a variety of biomass crops; and
- (2) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

**(f) Administration**

**(1) In general**

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to making grants under this section.

**(2) Consultation and coordination**

The Secretary shall—

(A) make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

(B) coordinate projects and activities carried out under the Initiative with projects and activities under section 9008 of the Farm Security and Rural Investment Act of 2002 to ensure, to the maximum extent practicable, that—

- (i) unnecessary duplication of effort is eliminated or minimized; and
- (ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.

**(3) Grant priority**

The Secretary shall give priority to grant applications that integrate research and extension activities established under subsections (c) and (d), respectively.

**(4) Matching funds required**

As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

**(5) Partnerships encouraged**

Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals found as a result of the peer review process—

- (A) to be scientifically meritorious; and
- (B) that involve cooperation—

- (i) among multiple entities; and
- (ii) with agricultural producers.

**(g) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 101-624, title XVI, §1672C, as added Pub. L. 110-234, title VII, §7207, May 22, 2008, 122 Stat. 1239, and Pub. L. 110-246, §4(a), title VII, §7207, June 18, 2008, 122 Stat. 1664, 2000.)

REFERENCES IN TEXT

Section 9008 of the Farm Security and Rural Investment Act of 2002, referred to in subsec. (f)(2)(B), is section 9008 of Pub. L. 107-171, which amended title III of Pub. L. 106-224, formerly set out as a note under section 8101 of this title, which was transferred to chapter 112 (§8601 et seq.) of this title, and repealed by Pub. L. 110-246, title IX, §9001(b), June 18, 2008, 122 Stat. 2095.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 5925f. Farm business management**

**(a) In general**

The Secretary may make competitive research and extension grants for the purpose of—

- (1) improving the farm management knowledge and skills of agricultural producers; and
- (2) establishing and maintaining a national, publicly available farm financial management database to support improved farm management.

**(b) Selection criteria**

In allocating funds made available to carry out this section, the Secretary may give priority to grants that—

- (1) demonstrate an ability to work directly with agricultural producers;
- (2) collaborate with farm management and producer associations;
- (3) address the farm management needs of a variety of crops and regions of the United States; and
- (4) use and support the national farm financial management database.

**(c) Administration**

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 4501 of this title shall apply with respect to the making of grants under this section.

**(d) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 101-624, title XVI, §1672D, as added Pub. L. 110-234, title VII, §7208, May 22, 2008, 122 Stat. 1241; Pub. L. 110-246, §4(a), title VII, §7208, June 18, 2008, 122 Stat. 1664, 2002.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 5926. Repealed. Pub. L. 110-234, title VII, § 7209, May 22, 2008, 122 Stat. 1241, and Pub. L. 110-246, § 4(a), title VII, § 7209, June 18, 2008, 122 Stat. 1664, 2003**

Section, Pub. L. 101-624, title XVI, §1673, Nov. 28, 1990, 104 Stat. 3773; Pub. L. 102-237, title IV, §407(12), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 104-127, title VIII, §837, Apr. 4, 1996, 110 Stat. 1169; Pub. L. 105-185, title II, §245, title III, §301(b)(2), June 23, 1998, 112 Stat. 556, 563; Pub. L. 107-171, title VII, §7121, May 13, 2002, 116 Stat. 434, established an agricultural telecommunications program.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE OF REPEAL

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 5927. Repealed. Pub. L. 104-127, title VIII, § 864, Apr. 4, 1996, 110 Stat. 1174**

Section, Pub. L. 101-624, title XVI, §1674, Nov. 28, 1990, 104 Stat. 3775; Pub. L. 102-237, title IV, §407(13), Dec. 13, 1991, 105 Stat. 1865, provided for establishment of Agriculture Research Facilities Planning and Closure Study Commission.

**§ 5928. Repealed. Pub. L. 105-185, title III, § 302(c), June 23, 1998, 112 Stat. 563**

Section, Pub. L. 101-624, title XVI, §1675, Nov. 28, 1990, 104 Stat. 3777; Pub. L. 102-237, title IV, §407(14), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 104-127, title VIII, §838, Apr. 4, 1996, 110 Stat. 1169, related to national centers for agricultural product quality research.

**§ 5929. Red meat safety research center**

**(a) Establishment of center**

The Secretary of Agriculture shall award a grant, on a competitive basis, to a research facility described in subsection (b) of this section to establish a red meat safety research center.

**(b) Eligible research facility described**

A research facility eligible for a grant under subsection (a) of this section is a research facility that—

- (1) is part of a land-grant college or university, or other federally supported agricultural research facility, located in close proximity to a livestock slaughter and processing facility; and
- (2) is staffed by professionals with a wide diversity of scientific expertise covering all aspects of meat science.

**(c) Research conducted**

The red meat safety research center established under subsection (a) of this section shall carry out research related to general food safety, including—

- (1) the development of intervention strategies that reduce microbiological contamination of carcass surfaces;



(2) research regarding microbiological mapping of carcass surfaces; and

(3) the development of model hazard analysis and critical control point plans.

**(d) Administration of funds**

The Secretary of Agriculture shall administer funds appropriated to carry out this section.

**(e) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary for fiscal year 1997 to carry out this section.

(Pub. L. 101-624, title XVI, §1676, Nov. 28, 1990, 104 Stat. 3779; Pub. L. 104-127, title VIII, §839, Apr. 4, 1996, 110 Stat. 1169.)

AMENDMENTS

1996—Pub. L. 104-127 substituted “Red meat safety research center” for “Turkey Research Center” in section catchline and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated \$500,000 for fiscal year 1992 to be used by the Agricultural Research Service for planning purposes in the establishment of a facility to be known as the Agricultural Turkey Research Center to be located in Pelican Rapids, Minnesota, and operated in cooperation with the North Dakota State University.”

**§ 5930. Reservation extension agents**

**(a) Establishment**

The Secretary of Agriculture, acting through the National Institute of Food and Agriculture, shall establish appropriate extension education programs on Indian reservations and tribal jurisdictions. In establishing these extension programs, the Secretary shall consult with the Bureau of Indian Affairs, the Intertribal Agriculture Council, and the Southwest Indian Agriculture Association, and shall make such inter-agency cooperative agreements or memoranda of understanding as may be necessary. The programs to be developed and delivered on reservations and within tribal jurisdictions shall be determined with the advice and counsel of reservation or tribal program advisory committees.

**(b) Administration and management**

Extension agents shall be employees of, and administratively responsible to, the Cooperative Extension Service of the State within which the reservation or tribal jurisdiction is located, and employment and personnel management responsibilities shall be vested with the State Cooperative Extension Service. In cases where a reservation or tribal jurisdiction is located in two or more States, the Secretary of Agriculture shall make the determination of administrative responsibility, including possible divisions along State boundaries.

**(c) Advisory committees**

At the request of a State Extension Director, and with the assistance of the tribal authorities, the Secretary of Agriculture may form an advisory committee to give overall policy and program advice to that State Extension Director with regard to programs conducted on reservations or within tribal jurisdictions. Program advisory committees may be formed to assist extension staff in development and conduct of program activities.

**(d) Staffing**

Insofar as possible, agent and specialist staff shall include individuals representative of the tribal grouping being served. Programs shall emphasize training and employment of local people in positions such as program aides, master gardeners, and volunteers. Staffing at a particular location shall be dependent on the needs and priorities of that location, as identified by the advisory committees and the State Extension Director, and the Director may make use of existing personnel and facilities as appropriate.

**(e) Placing of agents**

The number of offices and their placement shall be jointly determined by the State Extension Directors and tribal authorities of the respective States by taking into consideration the agricultural acreage within the boundaries of an Indian reservation or tribal jurisdiction, the soil classifications of such acreage, and the population of such reservation or tribal jurisdiction.

**(f) Reduced regulatory burden**

On a determination by the Secretary of Agriculture that a program carried out under this section has been satisfactorily administered for not less than 2 years, the Secretary shall implement a reduced reapplication process for the continued operation of the program in order to reduce regulatory burdens on participating university and tribal entities.

**(g) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 101-624, title XVI, §1677, Nov. 28, 1990, 104 Stat. 3779; Pub. L. 102-237, title IV, §407(15), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 104-127, title VIII, §840, Apr. 4, 1996, 110 Stat. 1170; Pub. L. 110-234, title VII, §7511(c)(23), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, §4(a), title VII, §7511(c)(23), June 18, 2008, 122 Stat. 1664, 2031.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7511(c)(23), substituted “National Institute of Food and Agriculture” for “Extension Service”.

1996—Subsecs. (f), (g). Pub. L. 104-127 added subsec. (f) and redesignated former subsec. (f) as (g).

1991—Subsec. (a). Pub. L. 102-237, §407(15)(A), (B), substituted “reservation” for “Reservation” and “reservations” for “Reservations” wherever appearing.

Subsec. (b). Pub. L. 102-237, §407(15)(A), substituted “reservation” for “Reservation” in two places.

Subsec. (c). Pub. L. 102-237, §407(15)(C), substituted “tribal” for “Tribal” after “assistance of the”.

Subsec. (e). Pub. L. 102-237, §407(15)(A), substituted “reservation” for “Reservation” in two places.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(23) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

INDIAN SUBSISTENCE FARMING DEMONSTRATION GRANT PROGRAM

Pub. L. 102-237, title IX, subtitle C, §§931-939, Dec. 13, 1991, 105 Stat. 1889, established Indian subsistence farming demonstration grant program to provide grants to any Indian tribe, or intertribal consortium, for establishment on Indian reservations of subsistence farming operations that grow fresh produce for distribution to eligible recipients, and provided for definitions, applications for assistance, training and technical assistance by Extension Service, tribal consultation, use, amount, and terms of grants, additional requirements, and authorization of appropriations through fiscal year 1995, prior to repeal by Pub. L. 104-127, title VIII, §874, Apr. 4, 1996, 110 Stat. 1175.

**§§ 5931, 5932. Repealed. Pub. L. 104-127, title VIII, §§ 865, 866, Apr. 4, 1996, 110 Stat. 1174**

Section 5931, Pub. L. 101-624, title XVI, §1678, Nov. 28, 1990, 104 Stat. 3780; Pub. L. 102-237, title IV, §407(16), Dec. 13, 1991, 105 Stat. 1865, related to special grants to study constraints on agricultural trade.

Section 5932, Pub. L. 101-624, title XVI, §1679, Nov. 28, 1990, 104 Stat. 3780, provided for establishment of five-year pilot project to coordinate food and nutrition education programs.

**§ 5933. Assistive technology program for farmers with disabilities**

**(a) Special demonstration grants**

**(1) In general**

The Secretary of Agriculture, in consultation with other appropriate Federal agencies, shall make demonstration grants to support cooperative programs between State Cooperative Extension Service agencies and private nonprofit disability organizations to provide on-the-farm agricultural education and assistance directed at accommodating disability in farm operations for individuals with disabilities who are engaged in farming and farm-related occupations and their families.

**(2) Eligible services**

Grants awarded under paragraph (1) may be used to support programs serving individuals with disabilities, and their families, who are engaged in farming and farm-related occupations.

**(3) Eligible programs**

Grants awarded under paragraph (1) may be used to initiate, expand, or sustain programs that—

(A) provide direct education and assistance to accommodate disability in farming to individuals with disabilities who engage in farming and farm-related occupations;

(B) provide on-the-farm technical advice concerning the design, fabrication, and use of agricultural and related equipment, machinery, and tools, and assist in the modification of farm worksites, operations, and living arrangements to accommodate individuals with disabilities who engage in farming, farm living and farm-related tasks;

(C) involve community and health care professionals, including Extension Service agents and others, in the early identification

of farm and rural families that are in need of services related to the disability of an individual;

(D) provide specialized education programs to enhance the professional competencies of rural agricultural professionals, rehabilitation and health care providers, vocational counselors, and other providers of service to individuals with disabilities, and their families, who engage in farming or farm-related occupations; and

(E) mobilize rural volunteer resources, including peer counseling among farmers with disabilities and rural ingenuity networks promoting cost effective methods or accommodating disabilities in farming and farm-related activities.

**(4) Extension Service agencies**

Grants shall be awarded under this subsection directly to State Extension Service agencies to enable them to enter into contracts, on a multiyear basis, with private nonprofit community-based direct service organizations to initiate, expand, or sustain cooperative programs described under paragraphs (2) and (3).

**(5) Minimum amount**

A grant awarded under this subsection may not be less than \$150,000.

**(6) Consideration for grants for new programs**

For each fiscal year that amounts are made available for grants under this subsection, the Secretary may make grants in a manner that ensures that eligible entities who apply for grants, but have not previously received a grant under this subsection, are given full consideration.

**(b) National grant for technical assistance, training, and dissemination**

The Secretary of Agriculture shall award a competitive grant to a national private nonprofit disability organization to enable such organization to provide technical assistance, training, information dissemination and other activities to support community-based direct service programs of on-site rural rehabilitation and assistive technology for individuals with disabilities, and their families, who are engaged in farming or farm-related occupations.

**(c) Authorization of appropriations**

**(1) In general**

Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 1999 through 2012.

**(2) National grant**

Not more than 15 percent of the amounts made available under paragraph (1) for a fiscal year shall be used to carry out subsection (b) of this section.

(Pub. L. 101-624, title XVI, §1680, Nov. 28, 1990, 104 Stat. 3781; Pub. L. 104-127, title VIII, §841, Apr. 4, 1996, 110 Stat. 1170; Pub. L. 105-185, title II, §246, June 23, 1998, 112 Stat. 556; Pub. L. 107-171, title VII, §§7122, 7208(c), May 13, 2002, 116 Stat. 434, 444; Pub. L. 110-234, title VII, §7210,

May 22, 2008, 122 Stat. 1241; Pub. L. 110-246, § 4(a), title VII, § 7210, June 18, 2008, 122 Stat. 1664, 2003.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (c)(1). Pub. L. 110-246, § 7210, substituted “2012” for “2007”.

2002—Subsec. (a)(6). Pub. L. 107-171, § 7208(c), added par. (6).

Subsec. (c)(1). Pub. L. 107-171, § 7122, substituted “2007” for “2002”.

1998—Subsec. (a)(6). Pub. L. 105-185, § 246(1), struck out heading and text of par. (6). Text read as follows: “There are authorized to be appropriated to carry out this subsection—

“(A) not less than \$3,000,000 for each of the fiscal years 1991 and 1992; and

“(B) not less than \$5,000,000 for each of the fiscal years 1993 through 1997.”

Subsec. (b). Pub. L. 105-185, § 246(2), struck out par. (1) designation and heading and struck out heading and text of par. (2). Text read as follows: “There are authorized to be appropriated \$1,000,000 to carry out this subsection for each of the fiscal years 1991 through 1997.”

Subsec. (c). Pub. L. 105-185, § 246(3), added subsec. (c). 1996—Subsecs. (a)(6)(B), (b)(2). Pub. L. 104-127 substituted “1997” for “1996”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### **§ 5934. Repealed. Pub. L. 110-234, title VII, § 7211, May 22, 2008, 122 Stat. 1242, and Pub. L. 110-246, § 4(a), title VII, § 7211, June 18, 2008, 122 Stat. 1664, 2003**

Section, Pub. L. 101-624, title XVI, § 1681, Nov. 28, 1990, 104 Stat. 3782; Pub. L. 102-237, title IV, § 407(17), Dec. 13, 1991, 105 Stat. 1865, related to research on honeybee diseases.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### EFFECTIVE DATE OF REPEAL

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### **§ 5935. Use of remote sensing data and other data to anticipate potential food, feed, and fiber shortages or excesses and to provide timely information to assist farmers with planting decisions**

##### **(a) Findings**

Congress finds that—

(1) remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

(2) remote sensing data can inform the agricultural community as to the condition of crops and the land that sustains those crops; and

(3) remote sensing data and other data can be valuable, when received on a timely basis, in determining the need for additional plantings of a particular crop or a substitute crop.

##### **(b) Information development**

The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and any other information available through remote sensing.

##### **(c) Coordination**

The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to provide farmers and other prospective users with supply and demand information for food and fibers.

##### **(d) Sunset**

The authorities provided by this section shall expire 5 years after April 4, 1996.

(Pub. L. 104-127, title VIII, § 892, Apr. 4, 1996, 110 Stat. 1183.)

#### CODIFICATION

Section was enacted as part of the Federal Agriculture Improvement and Reform Act of 1996, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

#### REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT

Pub. L. 106-391, title III, § 316, Oct. 30, 2000, 114 Stat. 1596, provided that:

“(a) INFORMATION DEVELOPMENT.—The Administrator [of the National Aeronautics and Space Administration] shall—

“(1) consult with the Secretary of Agriculture to determine data product types that are of use to farmers which can be remotely sensed from air or space;

“(2) consider useful commercial data products related to agriculture as identified by the focused research program between the National Aeronautics and Space Administration’s Stennis Space Center and the Department of Agriculture; and

“(3) examine other data sources, including commercial sources, LightSAR, RADARSAT I, and RADARSAT II, which can provide domestic and international agricultural information relating to crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and other related subjects.

“(b) PLAN.—After performing the activities described in subsection (a) the Administrator shall, in consultation with the Secretary of Agriculture, develop a plan to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act [Oct. 30, 2000].

“(c) IMPLEMENTATION.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator shall implement the plan.”

### § 5936. Farm and Ranch Stress Assistance Network

#### (a) In general

The Secretary, in coordination with the Secretary of Health and Human Services, shall make competitive grants to support cooperative programs between State cooperative extension services and nonprofit organizations to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs to individuals who are engaged in farming, ranching, and other agriculture-related occupations.

#### (b) Eligible programs

Grants awarded under subsection (a) may be used to initiate, expand, or sustain programs that provide professional agricultural behavioral health counseling and referral for other forms of assistance as necessary through—

- (1) farm telephone helplines and websites;
- (2) community education;
- (3) support groups;
- (4) outreach services and activities; and
- (5) home delivery of assistance, in a case in which a farm resident is homebound.

#### (c) Extension services

Grants shall be awarded under this subsection directly to State cooperative extension services to enable the State cooperative extension services to enter into contracts, on a multiyear basis, with nonprofit, community-based, direct-service organizations to initiate, expand, or sustain cooperative programs described in subsections (a) and (b).

#### (d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title VII, § 7522, May 22, 2008, 122 Stat. 1272; Pub. L. 110-246, § 4(a), title VII, § 7522, June 18, 2008, 122 Stat. 1664, 2033.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

#### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

#### DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

### § 5937. Natural products research program

#### (a) In general

The Secretary shall establish within the Department a natural products research program.

#### (b) Duties

In carrying out the program established under subsection (a), the Secretary shall coordinate

research relating to natural products, including—

(1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of products and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;

(2) research to characterize the botanical sources, production, chemistry, and biological properties of plant-derived natural products; and

(3) other research priorities identified by the Secretary.

#### (c) Peer and merit review

The Secretary shall—

(1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 7613 of this title; and

(2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

#### (d) Buildings and facilities

Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

#### (e) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title VII, § 7525, May 22, 2008, 122 Stat. 1273; Pub. L. 110-246, § 4(a), title VII, § 7525, June 18, 2008, 122 Stat. 1664, 2035.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

#### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

#### DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

### § 5938. Agricultural and rural transportation research and education

#### (a) In general

The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institutions of higher education to carry out agricultural and rural transportation research and education activities.

#### (b) Activities

Research and education grants made under this section shall be used to address rural trans-

portation and logistics needs of agricultural producers and related rural businesses, including—

- (1) the transportation of biofuels; and
- (2) the export of agricultural products.

**(c) Selection criteria**

**(1) In general**

The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

**(2) Priority**

In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

**(d) Diversification of research**

The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

**(e) Matching funds requirement**

The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

**(f) Grant review**

A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 7613(a) of this title.

**(g) No duplication**

In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49.

**(h) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title VII, § 7529, May 22, 2008, 122 Stat. 1278; Pub. L. 110-246, § 4(a), title VII, § 7529, June 18, 2008, 122 Stat. 1664, 2040.)

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

**EFFECTIVE DATE**

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**DEFINITION OF “SECRETARY”**

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

**CHAPTER 89—PECAN PROMOTION AND RESEARCH**

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6011.	Requirement of referendum.
6012.	Suspension or termination of plan.
6013.	Authorization of appropriations.

**§ 6001. Findings and declaration of policy**

**(a) Findings**

Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.

**(b) Policy**

It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing (through adequate assessments on pecans produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, industry information, and consumer information designed to—

(1) strengthen the pecan industry’s position in the marketplace;